

Systemic Assessment of the Texas Youth Commission's Sexual Safety Reform Strategies

Final Report

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Submitted by The Moss Group, Inc.

EXECUTIVE SUMMARY

The leadership of the Texas Youth Commission (TYC) engaged The Moss Group, Inc. to assess the application of reforms related to sexual safety that have been implemented over the past three years. Specifically, The Moss Group reviewed the policies, practices, reporting culture, trends, and operational issues related to the prevention, detection, and response to sexual abuse. The outcome of this process was the identification of the strengths of the reforms and the recommendations for further improving the overall sexual safety of the youth under TYC's supervision. During site reviews of nineteen facilities - ten secure institutions and nine halfway houses - consultants spoke with staff, youth, contractors, volunteers, and advocates and observed operations on all shifts.

Overall Findings

Based on our review, The Moss Group consultant team concludes that the many reform efforts implemented by the agency to ensure sexual safety as a result of Senate Bill 103 and House Bill 3689 have significantly increased the sexual safety of the youth under the care of TYC. Staff and youth with whom The Moss Group consultants spoke have all acknowledged that (1) they understand the zero tolerance for sexual abuse, (2) reporting mechanisms are institutionalized and understood, and (3) immediate responses to all allegations of sexual abuse represent the agency's policy and commitment to the safety of youth.

TYC leadership has placed a high priority on the elimination of sexual abuse in the secure facilities and halfway houses, which is reflected in the culture of each facility. Our team observed consistent and ongoing efforts by the facility leaders to ensure that all staff is trained in their responsibilities for responding to allegations of sexual abuse and that staff value the importance of creating an environment where youth recognize their rights to be free from all forms of abuse. Throughout the course of the project, The Moss Group recognized TYC's commitment to promptly enhancing operations as demonstrated by their continual improvements during the five month assessment period. Some of these corrective actions or initiatives were influenced by our work and others were a part of the agency's ongoing commitment to the implementation of best practices.

Implications of Facility Culture

Our assessment process took into consideration the interrelated issues throughout the system, integrating a number of data sets and sources of information. We looked beneath the formal systems that are in place throughout the agency (e.g., policies, procedures, and what is in writing) and considered the individual characteristics of how things operate at the local level. Gaining an understanding of the informal practices and the values and beliefs of both staff and youth enabled The Moss Group consultants to have a deeper understanding of how the reform efforts are taking root at each facility. The importance of shaping staff culture as a strategy for creating safe environments for youth and staff is foundational to sustaining the positive changes realized by the reform efforts. As such, each facility's strengths and challenges must be taken into consideration as the agency reform transitions into models of best practice in all areas of operations.

Highlights of Observations and Recommendations

The report recommendations are organized into eleven themes assessed across all nineteen TYC facilities and central office. They include:

1. Youth Entry
2. Youth Programming
3. Gender Responsive Planning
4. Mental Health Services
5. Facility Culture
6. Staffing Issues
7. Reporting, Investigations, and Prosecutions
8. Physical Plant
9. Halfway House Operations
10. Central Office, Regional Office, and Facility Coordination
11. Data Collection and Implementation of National Standards and Initiatives

Throughout the agency, staff and youth both reported that they were generally supportive of the reform efforts, and felt that TYC was moving forward and rebuilding confidence among stakeholders. The specific reforms that facility staff and youth identified as being the most significant in their impact were:

- implementation of a hotline for reporting abuse;
- creation of an Office of Inspector General;
- installation of an extensive video monitoring system (cameras);
- the Safe Housing Program;
- increased training efforts; and
- the appointment of an experienced juvenile leader as the TYC Executive Director.

The impact of the reform efforts that staff reported to be less useful are:

- their belief that they have limited capacity to hold youth accountable for inappropriate behavior;
- their inability to demote youth in the “stages,” even if they do not meet the criteria for the level of privilege under the CoNEXTions[®] model;
- the belief that youth can “get by” with making false allegations against staff claiming staff sexual misconduct; and
- the centralizing of recruitment and hiring of staff.

The impact of the reform efforts that youth reported to be less useful are:

- the difficulty some youth felt in meeting the criteria for stages;
- the incentives that did not hold real interest;
- the perception that peers received incentives when they are not earned;
- the staff’s discomfort with managing behavior of some youth; and
- the lack of programming and activities in some facilities.

Opportunities for TYC to continue increasing sexual safety are detailed in the recommendations of this report. Major themes include:

- increasing prevention measures working with special populations;
- increasing specialized training for topical areas such as group facilitation skills, trauma informed practices, and gender specific practices;
- integration of CoNEXTions[®] with daily operations - particularly in dorm settings – to include cross gender supervision and supervisory leadership training;
- strengthening the cultures within facilities through team building, leadership development and continuing to build confidence in the direction of the agency;
- increasing the capacity of investigators to perform trauma informed, youth specific investigations; and
- assessing several reform strategies to evaluate modification of practices.

The Moss Group, Inc. team recommends that TYC leadership continue their important role in the national conversation as the implementation of the Prison Rape Elimination Act becomes a reality over the next calendar year. TYC has a unique experience in the implementation of strategies to address sexual abuse in juvenile settings and should continue to document success through evidence based practices. This will ensure that TYC continues to implement, sustain, and develop best practices in addressing sexual abuse. Within the Final Report, the consultant observations for each of these areas are discussed in greater detail, and are followed by specific recommendations for consideration by TYC. Some sections of the document include an Agency Update, outlining changes that have been implemented since the initiation of our review or upon recommendations after facility visits. The recommendations offered by The Moss Group are based on the identified Scope of Work, and facility assessments and are informed by PREA standards and Senate Bill 103. The report contains three appendices: *Six Domains of Agency Reform*, *Consultant Biographical Sketches*, and *Select Recommended Resources*.

Conclusion

It is apparent that TYC has made significant strides in implementation of reform efforts and compliance with Senate Bill 103, which provides thorough guidance as it relates to youth sexual safety, over the past three years. Addressing the myriad of issues that act as challenges for youth reporting sexual abuse, understanding consequences of their behavior, and believing in a system that is committed to their safety, will serve to enhance the overall operational safety and security of the facilities and the well-being of the youth placed in care of TYC. Agency leadership was highly responsive during the course of this review in addressing recommendations of The Moss Group team as they were communicated after each facility site visit.

As a result of the nineteen facility assessments, facility exit debriefings, and the series of calls and meetings throughout the past eight months, The Moss Group strongly believes that TYC is committed to the safety of youth and staff and has aggressively employed efforts to strengthen and improve all areas of operational and functional of management responsibility. The Moss Group anticipates that the observations and recommendations outlined in this report will aid The Texas Youth Commission in continuing its reform efforts and establishing best practices in providing the youth with maximum safety and security within every TYC facility.

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I. INTRODUCTION

In an effort to enhance the safety of the youth and staff, and in accordance with Senate Bill 103, the Texas Youth Commission (TYC) has implemented multiple reform strategies throughout the agency over the past three years. The primary areas of reform include:

- 1) Youth Safety
- 2) Youth Services
- 3) Staff Support
- 4) Facility Improvements
- 5) Collaboration and Transparency
- 6) Accountability

TYC and the state of Texas have dedicated significant resources and staff efforts to strengthening all aspects of facility management and operations in the agency's ten secure facilities and nine halfway houses. They have addressed areas ranging from improving the culture of the agency, improving staff to youth ratios, restructuring functional areas of management responsibility, and enhancing technology and reporting mechanisms among others. These comprehensive reforms are critical to fulfilling the mission of the TYC and ensuring the safety of youth and staff.

In April 2010, agency leadership engaged The Moss Group, Inc. to assess the application and integration of these reforms throughout the system, particularly as they relate to increased sexual safety. Assessment objectives included analyses of not only the processes of reform implementation, but also of how the reform efforts were being integrated into the unique culture of each facility. TYC leadership was further interested in the alignment of the reform efforts at the facility, regional and agency levels, and opportunities for further improving the overall sexual safety of the youth under TYC's supervision. Ultimately, this review was designed to assess the policies, practices, reporting culture, trends and other operational issues related to the prevention, detection, and response to sexual abuse at ten secure TYC institutions and nine halfway houses.

The agency's dramatic three year period of reform has been highly publicized and critiqued by stakeholders, concerned citizens, legislators, advocates, juvenile practitioners and others. Our role has been to focus on these questions:

- Are the facilities sexually safe for youth?
- Are the considerable efforts of many dedicated legislators, state employees, volunteers, contractors and advocates making a difference?
- Are the legislative reforms of Senate Bill 103 embraced and integrated into the culture of the facilities in ways that increase safety for all youth in custody?
- What are the strengths of the reform efforts and what are the realities of implementation "on the ground" as they relate to sexual safety?
- What are the challenges and opportunities in addressing increased safety for youth?
- What are the next steps to ensuring that TYC continues to strengthen the facility environments and services that promote safety and security while operating with evidence based practice?

Our approach, discussed in the Methodology section of this report, is grounded in current research, the expertise of the consultant team, the draft standards of the Prison Rape Elimination Act (PREA) and, most importantly, the language and intent of Senate Bill 103 and the resulting reform efforts.

Our team understands that the successful application of a zero tolerance sexual abuse policy requires more than the written word; it requires an understanding of the context in which sexual abuse occurs. This approach to reporting consultants' observations is grounded in the premise that sexual abuse will or will not occur as a result of a combination of factors that increase or diminish the potential for sexual abuse in custodial settings. Our lens is one that appreciates the influence of cultural norms on both facilities and individual dorms. Emerging research, in fact, suggest the "neighborhood" factors of individual dorms are the units through which to measure the vulnerability of youth to sexual abuse (Owen et al, 2008). Our team will offer recommendations encouraging TYC leadership to participate in research opportunities to take advantage of the vast quantity of data collected in the agency – allowing for further documentation of the level of success achieved in creating sexual safety in all TYC facilities.

The role of leadership and the willingness of staff to follow the direction of those leader(s) at all levels within the agency are critical. An environment that is depleted of trust and lacks commitment to the mission of the agency cannot be a fertile ground for positive results in any reform effort, and rebuilding trust after a "scandal" is one of the most challenging experiences many leaders in our field face. This reality is usually the result of one issue; one facility; one serious incident. In the case of TYC, the backdrop for the massive reform efforts remains a close memory that still impacts the day-to-day life of many committed TYC staff and youth. Over the course of the last five months, TYC staff have openly shared their experiences and perceptions of the reform efforts with the consultants, as well as their insights, their concerns and their hopes for continued stability and future opportunities of the agency.

In the consultants' views, the many reform efforts implemented as a result of Senate Bill 103 have substantially increased the sexual safety of the youth under the care of TYC. Staff and youth with whom The Moss Group consultants spoke have all acknowledged that youth and staff understand the zero tolerance for sexual abuse, that reporting mechanisms are institutionalized and understood, and that immediate responses to all allegations of sexual abuse represent the agency's policy and commitment to the safety of youth.

The dramatic series of events that followed the substantiated incidents of staff sexual misconduct at the West Texas State School in 2007 have been imprinted in the memory of all agency employees. While the sense of betrayal and shame that engulfed the agency still remains deeply influential even today, the agency is moving forward through a new commitment to best practices, a renewed vision, legislative support to become a national model, and the opportunity to have an experienced leadership team at the helm of the agency.

As agreed upon by the leadership of the Texas Youth Commission and The Moss Group, Inc., this final report encompasses recommendations relating to statewide policy and practice, and strategies to strengthen the cultural context in which sexual safety is at the core of daily practices. The recommendations are intended to support the TYC administration in its ongoing reform efforts. Although the Federal Prison Rape Elimination Act (PREA) draft standards under consideration by the United States Attorney General inform this project, The Moss Group Sexual Safety Assessments were conducted in accordance with the contract with TYC and focused on core best practices in the area of youth sexual safety. The outcome of this initiative is the documentation of common themes and recommendations to assist TYC and its facilities in identifying the opportunities to increase sexual safety.

II. SCOPE OF WORK

Based upon the contractual agreements with the Texas Youth Commission, The Moss Group, Inc. committed to conducting eight specific tasks designed to objectively assess the strengths, challenges, and opportunities of TYC's reform efforts in addressing the sexual safety of youth between the dates of May 3, 2010 and December 31, 2010. They included:

- (1) Review of written documentation;
- (2) Facilitation of a meeting with the TYC Executive Team;
- (3) Interviews of key agency level staff;
- (4) On-site facility assessments at TYC secure institutions and halfway houses;
- (5) Review of TYC staff survey and subsequent production of recommendations;
- (6) Interviews of stakeholders, volunteers, and advocates;
- (7) Data analysis and report writing; and
- (8) Executive debriefing of findings.

This review was designed to assess the policies, practices, reporting culture, trends and other operational issues related to the prevention, detection, and response to sexual abuse at ten secure TYC institutions and nine halfway houses.

III. METHODOLOGY

Approach

The Moss Group approach to this work is grounded in research based practice, the PREA draft standards and the experience of the consultant team. Our work is guided by several core values that promote positive relationships with our client, respect of the staff who work every day to ensure the safety of the youth under their care, the community of stakeholders that contribute daily to the success of the agency, and an awareness of the complexity of creating productive and healthy environments that ensure optimal safety for staff and youth.

The Moss Group consultants approached this initiative by preparing a protocol that would serve as the operating guideline for all aspects of our work. This protocol included:

- A review of relevant written documentation prior to site visits
- The development of the domains (items) to be assessed and a consultant guide
 - Review of reform efforts and Senate Bill 103
 - Review of Juvenile PREA Standards
 - Integration of sexual safety assessment components employed by The Moss Group in similar projects
- The preparation and coordination of on-site work
 - Orientation of Superintendent and contact person to process
 - Selection of focus group participants
 - Logistics and request for additional local documents
- A review of best practices and relevant research

Selection of Consultants

Selection of the consultants for this project was based on the following expertise:

- Implementation of PREA in juvenile settings
- Gender responsive practice – boys and girls
- Facility operations and management
- Policy development related to sexual abuse and the Prison Rape Elimination Act
- Assessment of facility and organizational culture
- Current research in addressing sexual abuse in juvenile settings or applicable best practice
- Mental health and treatment
- Agency administration

On-Site Assessments

The nineteen facilities were assessed over the course of five months:

TYC FACILITY NAME	DATES ASSESSED
Secure Facilities (Institutions)	
Giddings State School	May 5 - 7, 2010
Corsicana Residential Treatment Center	May 12 - 14, 2010
Evins Regional Juvenile Center	July 19 - 21, 2010
Ron Jackson State Juvenile Complex, Units I and II	August 16 - 20, 2010
McLennan County State Juvenile Correctional Facility Unit I	August 16 - 18, 2010
McLennan County State Juvenile Correctional Facility Unit II	August 18 - 20, 2010
Gainesville State School	September 8 - 10, 2010
Al Price State Juvenile Correctional Facility	September 27 - 29, 2010
Crockett State School	September 29 - October 1, 2010
Halfway Houses	
Turman House	May 4, 2010
Schaeffer House	June 15 - 16, 2010
York House	June 21 - 22, 2010
Ayres House	June 22 - 23, 2010
Beto House	July 21 - 22, 2010
Tamayo House	July 22 - 23, 2010
Cottrell House	September 27 - 28, 2010
Willoughby House	September 28 - 29, 2010
McFadden Ranch	September 29 - 30, 2010

The reviews were designed to assess the application and integration of TYC's reform strategies throughout the system as they related to sexual safety, including their integration into the culture of each facility. In particular, the facility reviews focused on:

- Assessing management and operational practice in addressing sexual abuse;
- Reviewing mental health services and specialized, gender responsive, and overall programming as they relate to sexual safety;
- Assessing the formal and informal cultural norms;
- Verifying the impact of the zero-tolerance policy in addressing sexual abuse;
- Identifying trends and perspectives of facility staff in reporting and responding to sexual abuse, with specific focus on the reporting culture;
- Identifying trends and perspectives of the youth in reporting and responding to sexual abuse; and
- Assessing facility strengths and vulnerabilities, including the use of technology, identification of isolated areas, appropriate lighting and line of sight, distribution of staffing and work assignments, and cross-gender supervision practices.

To gain an understanding of these interrelated issues at each facility, the on-site methodology included a number of activities:

- Individual and group interviews with staff from throughout the facility and organizational structure;
- Individual and group interviews with youth;
- Observations of staff, youth, and facility operations across all shifts;
- Observations and operational review of factors contributing to sexual safety (e.g., isolated areas, youth movement, staffing and supervision, et cetera); and
- Interviews and briefings with TYC corporate executives and managers.

Although the Federal Prison Rape Elimination Act draft standards under consideration by the U. S. Attorney General informed this initiative, The Moss Group project was not intended to be, nor was it, a review for PREA compliance.

IV. OBSERVATIONS AND RECOMMENDATIONS

The report is organized into eleven categories; we have noted which area of reform is relevant in each category. As this is systemic work, some recommendations fall under more than one reform strategy. At the end of each applicable area of review, any significant TYC action taken since the time of the assessments is noted as “Agency Update.” Some of these updates represent the responsiveness to The Moss Group team site visits yet many of them are the results of the agency’s own strategic planning and implementation separate from this sexual safety assessment initiative.

A) YOUTH ENTRY

Youth and Family Orientation Processes (Youth Safety, Collaboration and Transparency)

Observations: The youth orientation process has been implemented to ensure that each youth entering TYC is notified of his or her right to be free from sexual abuse. Youth receive a handbook and various orientation materials, informing them of the importance of the reporting process. They are also given information about multiple reporting mechanisms, informed of TYC’s Zero Tolerance policy and the Prison Rape Elimination Act (PREA), and assessed for potentially sexually aggressive behavior/vulnerability for victimization. These represent best practices and are consistent with the draft PREA standards. However, the material shared during orientation is not always comprehended by youth who are overwhelmed, detoxifying, mentally challenged or otherwise traumatized.

Families of TYC youth receive a Family Handbook and are oriented to the reporting processes related to all forms of abuse, including sexual abuse. Additionally, TYC has distributed a Parents’ Bill of Rights emphasizing the importance of active participation in their child’s treatment through partnering with the agency to ensure the safety of their child. These are recommended best practices consistent with the PREA draft standards.

Many of the orientation materials provided to youth and their families are available for download – in both English and Spanish – on TYC’s website.

It was clear to consultants that youth and families were aware of the agency policies on sexual abuse and the various avenues of reporting available to them, although consultants were not in a position to determine if this awareness was due to the initial orientation or some later acquisition of information. To provide daily reminders for youth about the agency’s policies related to sexual abuse:

- Posters are displayed prominently throughout most facilities, emphasizing a Zero Tolerance for sexual abuse and providing contact information for reporting incidents.
- TYC policies are displayed on bulletin boards, providing greater detail on youth’s right to be free from sexual abuse and agency methods of reporting.

In several facilities, all four corners of multiple-page displayed policies were stapled, prohibiting youth from having full access to the policy. Similarly, some of the posters were placed in locations far away from the ‘blue phones’ (hotline) used for reporting incidents, making them difficult to read (or remember information contained on them) when youth are making use of the hotline.

Recommendation: The youth orientation process should continue to be reviewed to ensure that youth who are challenged in fully comprehending initial orientation receive continuous exposure to, and reminders of, reporting mechanisms and their right to be free from sexual abuse. Case workers should periodically ask all youth if they understand their right to be free from sexual abuse; they should be particularly sensitive to youth who are detoxing, fearful, or who may have mental health complications.

Recommendation: As some youth indicated that the material was hard to understand, TYC should review the Youth Handbook and ensure that information is presented at a reading level that is appropriate for the youth they serve.

Recommendation: While current information dissemination strategies are useful, several improvements are recommended: (1) place posters where they are easily visible, particularly in the vicinity of the blue phones, (2) ensure policies are not stapled on all four corners on bulletin boards or, alternatively, provide a binder with a complete set of policies in the dayroom which youth could access without having to seek permission from staff.

Agency Update: TYC is developing a process for creating orientation case plans with goals for each youth in Stage I under the CoNEXTions[®] Program, which will evaluate their knowledge about their rights and responsibilities, when to utilize the different reporting mechanisms, among other core areas. A new initiative is underway to develop a full CoNEXTions[®] Manual for youth providing guidance in successfully participating in the program.

Safe Housing Program (Youth Safety, Accountability)

Observations: The Safe Housing Program has increased the safety of youth and is embraced by staff as a useful tool for managing risk related to sexual safety. The safe housing assignments increase appropriate supervision of vulnerable and aggressive youth, raise staff awareness of the potential for sexual activity, and allow for immediate response should an incident occur. This is a best practice that contributes to the prevention, detection, and response to sexual abuse. The program can be strengthened further by improving the timeliness of transmitted risk/need evaluations to receiving facilities.

TYC instituted a pilot Safe Housing program in 2008, with full implementation in January 2009. This policy dictates that youth be housed and segregated by age (as required by Senate Bill 103, youth younger than the age of 15 are not housed with youth older than the age of 17), body size, height, weight, gang affiliation and vulnerability. This serves as a preventative measure to protect younger, smaller, and more vulnerable children from being victimized by older, stronger, or more predatory youth. Vulnerability is determined through the initial classification process conducted at either the McLennan County State Juvenile Correctional Facility Unit I (for boys) or the Ron Jackson State Juvenile Correctional Complex Unit I (for girls), and reviewed on a monthly basis through the Multi-Disciplinary Team (MDT) case review processes. Those youth identified as being potentially vulnerable to any type of abuse (bullying, sexual assault, et cetera), are housed closest to the dorm JCO staff workstation.

Staff interviewed were universally supportive of the Safe Housing program. They believe the procedures that are in place to separate youth in terms of their housing assignments directly promote youth safety, including sexual safety. However, some facility staff, especially at those facilities housing specialized populations, expressed concern that they may lack sufficient information about youth entering their facilities to adequately assign housing based on the Safe Housing Program procedures. For instance, one

staff member stated: “We get very little information about the kids when they come here from Mart I – especially related to their potential to be a victim or a predator. And it’s hard to determine what their status should be, given that most of them are still coming down off drugs.” Youth who are generally new to the system and still unstable from detoxification present some unique challenges in determining their level of risk and making appropriate housing decisions.

Recommendation: TYC should consider ways in which communication between receiving facilities and those performing initial classifications could be improved, particularly regarding information required to adequately develop treatment plans and the identification of vulnerable or sexually aggressive youth.

Agency Update: TYC’s Case Assessment Workgroup is currently revising documentation of the full case plan for youth including Safe Housing. In September 2010, the Information Resources Workgroup integrated Safe Housing data into the child care system electronic chronological files. These files are accessible by each facility, and include the rationale of youth placement plans. Information related to sexual vulnerability and/or predation is also included in this electronic database.

B) YOUTH PROGRAMMING

CoNEXTions[®] (Youth Services, Youth Safety, Staff Support)

Observations: Introduced in February 2009, the CoNEXTions[®] program is a system wide rehabilitative model offering a menu of different therapeutic techniques and tools to individual TYC youth over the course of their treatment while at TYC. It is designed to provide a framework that guides staff and youth in all aspects of facility programming and behavioral expectations. When fully implemented, the program increases safety for youth, including sexual safety. Currently, the program is implemented inconsistently across facilities. TYC recognizes the need to evaluate the program and to assess the need for additional strategies to more fully realize the intent of the program. The data collection portion of the evaluation has been completed, and analyses are currently underway at Central Office.

The goal of CoNEXTions[®] is to have a youth-centered treatment program that can be modified to fit the needs of youth using individual treatment plans that are established and monitored through regularly scheduled Multi-Disciplinary Team meetings. CoNEXTions[®] is meant to be an integrated approach that is applicable to all aspects of youth life in TYC, including education, housing, counseling, and case management. Staff at every facility were generally able to articulate the program’s components and core philosophy, however line staff who work directly with the youth were not confident that they had the ability or tools necessary to hold youth accountable. In addition, youth incentives were implemented inconsistently, which results in a lack of credibility among both youth and staff.

Recommendation: JCO staff, case managers, and supervisory staff need additional scenario-based training and supervision in the implementation of CoNEXTions[®], specifically in holding youth accountable for their actions and in understanding the strategies that can strengthen their role with youth through use of the program concepts. Their skills and knowledge are critical to increasing the safety of youth, particularly in the dorm settings. Research on sexual safety has suggested that intervention in all forms of low level conflict has a significant dampening effect on more serious forms of violence and conflict, including sexual abuse.

Recommendation: Build on the continuum of existing interventions by reconsidering a provision to demote youth whose behavior is not consistent with the criteria of a specific stage. TYC staff is encouraged to include a broad range of stakeholders in discussing this modification.

Recommendation: The CoNEXTions[®] treatment model should be evaluated and enhanced to meet the needs of the specific categories of youth. Specifically, review the CoNEXTions[®] program for responsiveness to gender, age, and youth involved in mental health services. These enhancements increase the prevention of sexual abuse.

Recommendation: Increase the applicability of the CoNEXTions[®] program to the education program, integrating it with the Positive Behavioral Interventions and Supports (PBIS) which is currently implemented in all secure facilities. This will increase accountability of youth and contribute to a safer environment and create a seamless application of a rehabilitative model increasing safety, including sexual safety.

Recommendation: Oversight of the CoNEXTions[®] program should continue to be strengthened through the regional and central office.

Agency Update: TYC is implementing a CoNEXTions[®] Back To Basics program designed to refresh facility staff in program application, including a full range of behavioral interventions for youth. Individual strategic plans will be developed for each facility, which will further assist in the integration of all programming, including education in the CoNEXTions[®] model. An Aggression Replacement Therapy (ART) training opportunity will be offered December 7 – 9, 2010. Participants will be from secure facilities as well as halfway houses.

Other Youth Programming (Youth Services, Youth Safety, Staff Support)

Observations: Youth programming offerings in TYC increase sexual safety for youth by productively engaging the youth and teaching life skills that assist them in building healthy physical, emotional and sexual boundaries. Staff in both secure facilities and halfway houses expressed a need for expanded programming opportunities. Many youth expressed concerns about idleness, though this was inconsistent across facilities. Family activities and the relationship with volunteers provide an additional source for reporting concerns youth may have about their safety. There are impressive programming offerings for individual facilities and, in most facilities, a variety of family and volunteer-run events.

Recommendation: Explore programming focusing on Healthy Relationships (both during confinement and upon release) to help establish youth understanding of sexual safety through practicing appropriate personal boundaries with staff and other youth, increasing communication strategies that promote positive relationships, and understanding the importance of when to say ‘yes’ and when to say ‘no’ in establishing boundaries.

Recommendation: Increase agency efforts to develop policy and practice to most effectively respond to lesbian, gay, bisexual, and transgendered (LGBT) youth. Agency leadership should continue to reach out to non-profit groups with subject matter expertise in this area.

Recommendation: Increase recreational opportunities that are designed for general and special population youth. These opportunities will increase youth and staff safety, including sexual safety.

Activities that would be of a therapeutic nature for youth with mental health involvement are recommended.

Recommendation: Provide training for recreation staff in the implementation of therapeutic activities to create healthy engagement among youth involved with mental health. These activities can be useful in addressing sexual aggression or in increasing the well-being of more vulnerable youth.

Recommendation: Continue the evaluation and enhancement of the specialized programming delivered by clinical staff. Explore the use of activity or recreational therapy interns where resources may be accessible.

Recommendation: Continue encouraging volunteer contribution and events planned for family interaction.

C) GENDER RESPONSIVE PLANNING

Gender Responsive Planning (All Areas of Reform)

The TYC executive leadership demonstrated an understanding of the role of gender responsiveness in improving sexual and other forms of safety. While typically used to describe policy, program offerings, mental health and medical services, and operational practices for girls and young women, TYC is commended for additionally examining gender-appropriate services for boys and young men. Girls are a minority population in all correctional agencies and the emphasis on addressing their risk and needs has often been the focus of the gender specific or gender responsive conversations. Like other agencies, more TYC staff have the experience of working with boys, and our observations during the assessments were that the staff working with girls are less prepared to respond through a gender lens with this population.

Observations: In the last year, TYC has been committed to implementing gender responsive practice and policy through working with the Ron Jackson State Juvenile Correctional Complex Unit I. Programming that is promising and well integrated in the offerings at Ron Jackson includes Girls' Circle and Boys' Council. Both programs are informed by adolescent development research and are gender specific.

Boys' Council is designed to be gender responsive, addressing pre-teen and early adolescent male development. It provides exercises and guidance in understanding strong emotions, male power, and productive ways to learn about living in the community. Three staff were trained to facilitate Boys' Council and one group is offered each week at Ron Jackson State Juvenile Correctional Complex Unit II.

Consultants observed several specialized programs for girls in TYC facilities that represent best practice, including a 'Girls' Circle' discussion group lead by a female staff member mentioned above; the 'Women In Need of Greater Strengths' (WINGS) program for pregnant girls; the 'Baby Think It Over' program in which the girls are provided with a life-like doll that helps them to 'experience' what it's like to have a baby, be responsible, and care for another human being. The Boys Council program is also offered at a number of other TYC secure facilities and halfway houses.

Girls entering the TYC system, consistent with national data, have high levels of trauma and sexual abuse in their histories. Gender-responsive programming for girls helps youth understand and manage their

sexuality, as well as recover from any past trauma – sexual or otherwise – they may have experienced. Such programming helps them to understand they will be safer within custody and allow the girls to find reentry into society less challenging. There is growing awareness of the role of violence, trauma and neglect in the personal histories of boys and young men. This insight should be included in the development of staff training and program development for the juvenile male units.

The TYC has implemented a gender responsive initiative for girls at the Ron Jackson State Juvenile Correctional Complex Unit I that proposes to enhance staff training as well as strengthen gender responsive practices and programming. The initiative addresses the possible impact of histories of trauma, including sexual trauma, on the risk and needs of girls in a custodial setting. This initiative is a best practice and prepares staff with important tools to enhance safety, especially sexual safety for girls. Consultant Denise Bray has been engaged by the agency to assist the facility leadership in assessing, planning and implementing a gender responsive action plan for working with girls at the Ron Jackson facility. The agency leadership is to be commended for this commitment to a critical component of ensuring sexual safety for girls. In all TYC facilities housing girls during the time of the assessments, staff appeared to be limited in strategies to address these issues, and the complexities of the relationships formed between girls and between girls and staff. Gender responsive practice is critical for TYC's continued reforms in creating sexual safety for girls.

Recommendation: Continue to evaluate the gender-specific program needs of boys and girls. Continue to seek out community-based specialized programs for both boys and girls and ensure that they represent best practice in working with these youth.

Recommendation: Continue to build on the Girls' Circle and Boys' Council models expanding frequency of programs where possible. Monitor juvenile progress in these programs.

Recommendation: Update the Girls Task Force Report and develop an agency level Gender Responsive Plan for Girls to include:

- a review of programming and operational practice for gender specificity;
- development of a female – responsive continuum of services for girls;
- development of a set of guidelines for gender specificity in the implementation of CoNEXTions[®]; and
- expansion of the initiative at the Ron Jackson State Juvenile Correctional Complex Unit I to Willoughby House.

Recommendation: Build on the current work of consultant Denise Bray in developing the recommendations listed above.

Recommendation: Pilot additional gender responsive training for boys, expanding opportunities to use a gender responsive approach at Ron Jackson. This expansion of programming for boys will enhance the success of youth and strengthen the facility cultural norms in working with youth. In focus groups with staff, the question was asked, 'What about gender responsive for boys?' Ron Jackson facility offers a good opportunity to continue exploring the gender specific programming implications for boys.

Cross Gender Supervision (Youth Safety, Youth Services, Staff Support)

Observations: As is the case in juvenile facilities across the country, cross gender supervision - the practice of staff supervising youth of the opposite gender - is a common practice. In any facility, staff can feel challenged to balance the need for safety and supervision of youth with the youth's need for personal privacy. Youth with sexual abuse histories are particularly vulnerable to re-traumatization when feeling physically exposed. The challenges are most often experienced in showering and toileting areas.

In observing staff-youth relationships in the dorms, the need to increase training and guidance to staff in cross gender supervisory practice was evident. Newer staff particularly appeared less comfortable in managing youth of the opposite gender. Much of TYC's staff is new to the agency, with 27.3 percent (27.3%) of staff having less than two years experience with TYC. There appeared to be a greater need for JCO V and VI staff to observe dorm activity during the more sensitive times of showering, preparing for bed, and waking up in the morning. There are differences in the physical plant design and differences in the characteristics of staff working in TYC facilities.

Recommendation: Facility administrators along with JCO V and VI staff should assess the challenges of cross gender supervision locally to better understand the day-to-day experiences of staff working with opposite gender youth in the dorms, particularly with respect to newer staff. Recommendations for increased supervision, training modules and implications for minor facility improvements should be developed locally.

D) MENTAL HEALTH SERVICES

Mental Health Overview

The delivery of appropriate mental health services and programming increases the safety - including sexual safety - of youth who are treated by clinical staff using individualized treatment plans to address the complexity and sometimes co-occurring issues experienced by youth within the Texas Youth Commission. To the degree that clinical staff is available to evaluate and treat youth who demonstrate (a) sexually aggressive behavior, (b) vulnerability to sexual abuse, and (c) indications of sexual identity crises, the culture of the facility increases in safety, particularly within the specific dorms or housing units where these youth are assigned. TYC has a number of mental health strategies in place to decrease the likelihood of sexual abuse, including:

- All youth undergo an initial assessment within 24 hours of admission using standardized protocol and evaluation tools, including a measure of sexual victimization/predation.
- Youth with a minimum one-year sentence receive a full psychiatric evaluation in accordance with Senate Bill 103 during orientation and assessment.
- Behaviorally specific treatment plans are developed by medical/mental health staff, including individualized counseling, anger management programs, et cetera.

These resources are designed to assist the staff in identifying and addressing the psychological issues of youth that will contribute to a culture of safety – physically, emotionally, and sexually.

Observations: Should an incident of youth-on-youth sexual abuse or staff sexual misconduct occur, TYC staff are well aware of the need to report such incidents immediately and arrange for a prompt medical evaluation. Youth have access to emergency medical and mental health care 24 hours per day, seven days per week; for halfway houses, emergency medical is available 24 hours per day, however, mental health care is not. Community resources related to sexual abuse, including Sexual Assault Nurse Examiner (SANE) nurses, are available. Most TYC medical and counseling staff members are aware of these resources.

Every facility, whether a secure institution or halfway house, provides mental health services to youth who suffer from a variety of psychiatric disorders, learning disabilities, cognitive disabilities, substance abuse and trauma related issues. Male and female youth with particularly acute diagnoses are assigned to the Corsicana Residential Treatment Center, which has increased mental health staffing to provide more one-on-one treatment for the youth. Male juveniles with chemical dependence/substance abuse problems who are either new to the system or close to release can be assigned to McFadden Ranch, which serves as the agency's community-based residential chemical dependency treatment facility. At this 'specialized' treatment facility, the majority of staff members expressed their understanding of the mental health and cognitive issues with which the supervised youth struggle, and demonstrated significant care and concern for the youth. This was true across functional areas (custody, treatment, administration), and was an espoused value of the leadership at both facilities.

The Reform efforts included a significant change and downsizing of the population under the care of TYC. The remaining population increased the percentage of youth with mental health challenges. The need for expanded services for specialized treatment has been intensified over the last three years. The consultants recognize five core areas related to mental health services that continue to require ongoing agency attention to ensure sexual safety. They are:

- Facility Team Coordination and Cohesion
- Individualized Treatment Plan Development
- Suicide Prevention and Treatment
- Oversight and Quality Assurance
- PREA and Trauma Informed Training

Recommendation: TYC should conduct a comprehensive review of all mental health service programs to increase access for vulnerable and sexually aggressive youth. This review should include a commitment to increased training, oversight, coordination, and treatment planning throughout the system.

Agency Update: During the course of the consultants' work, two halfway house facilities (York House and Schaeffer House) have been added to the treatment options available for youth with moderate substance abuse/chemical dependency treatment needs. Similar to the services provided at McFadden Ranch, youth who are either new to the system or close to release may be assigned to these facilities. In addition, the agency has recently made a decision to conduct a comprehensive mental health review of all services.

PREA and Trauma-Informed Training (Youth Safety, Staff Support)

Observations: All staff, including mental health staff, is required to participate in annual block training, which includes a component on the Prison Rape Elimination Act (PREA) and the agency's zero tolerance policy. All mental health staff were aware of their duty to report an incident of youth-on-youth sexual abuse or staff sexual misconduct. However, trauma-informed training for mental health staff in addressing the dynamics of sexual abuse is warranted.

As many youth under the care of TYC have experienced significant trauma prior to their commitment to the agency, having trained and confident mental health treatment staff who are able to address complex issues is critical to effective treatment. To help treat the youth who have traumatic developmental histories, TYC sent many of its mental health staff to training on Trauma Informed Cognitive Behavior Therapy. However, not all staff were able to take advantage of the training and some feel ill-equipped to provide the type of counseling necessary to help the youth address and resolve the traumas of their past. If mental health staff at the local level does not feel comfortable or confident in their abilities to provide such services, youth who are actively in crisis after being assaulted, or who are working through issues of past trauma, will not receive the therapy they need.

Consultants observed significant variation between facilities with respect to (1) the articulated expectations of local mental health professionals as related to their roles as first responders, and (2) the level of comfort/confidence that they had in effectively working with youth with significant traumatic developmental histories. Regarding first responders, some mental health staff felt comfortable with all forms of crisis intervention and would accompany a youth that had reported a sexual assault to the local hospital for a SANE examination. Others felt equipped to deliver basic crisis intervention counseling, but were not as comfortable as they would like to be in addressing the topic of sexual assault.

Recommendation: TYC should review its training for mental health staff to ensure that all staff have received specialized PREA training which includes, at a minimum, understanding how to detect and assess indications of sexual abuse, responding effectively and professionally to young victims of sexual abuse, and reporting requirements for mental health staff.

Recommendation: To ensure that all mental health staff have a baseline knowledge and skill set, TYC should ensure that all clinical staff participate in statewide training and ongoing in-service trainings. TYC may want to consider regional meetings, use of distance learning options, or partnering with local professional associations to conduct education sessions to overcome geographic obstacles.

Agency Update: TYC has initiated discussions with Program Supervisors in a statewide meeting to identify next steps in building staff competence in the area of trauma-informed practice. This type of training will enhance line staff's ability to make appropriate referrals and respond to the behavior of youth – particularly in dorm settings.

Facility Team Coordination and Cohesion (All Areas of Reform)

Observations: There are a number of mental health treatment providers involved in the care and treatment of youth with mental health needs. The complexity of their reporting structure or contractual relationship with TYC and the ways in which youth access treatment do not always support effective or efficient care.

Facility mental health programs are complex: the Doctoral Level Psychologist and the Master Degree Clinicians work for TYC, while the Psychiatrists and Nurses work for the University of Texas Medical Branch (UTMB). Psychiatric services are often provided via tele-psychiatry, allowing for greater coverage to all TYC facilities; however, psychiatrists are rarely on-site for collaboration with other clinical staff. For example, staff at one facility stated they had not seen a psychiatrist on-site in one to two years. Additionally, TYC and UTMB staff members enter their documentation into two different stand-alone electronic medical records.

Limited staff communication among providers negatively impacts staff's ability to consistently build relationships with youth, and create continuity of care. This may result in time lapses in treatment and, in rare cases, the development of competing approaches to treatment. If sexually at-risk youth are not being provided with mental health treatment in a confined setting, there is increased risk for sexual aggression and/or victimization to occur.

Recommendation: As a part of the plan to review mental health, strategies to strengthen facility coordination and cohesion should be developed. This should include coordination with on- and off-site medical and mental health staff, including UTMB.

Agency Update: TYC is increasing psychological services through the addition of three Associate Psychologist positions that will be housed at halfway houses. Mental health components are being built into the UTMB electronic medical record to support desired integration of clinical data. This will increase continuity of care and contributes to strengthening the cohesion of the clinical staff.

Individualized Treatment Plan Development (All Areas of Reform)

Observations: The agency has put significant effort and resources into developing a Multi-Disciplinary Team (MDT) approach to tracking the progress of each youth via monthly meetings. MDT involves a number of functional areas, including custody, treatment, education, and administration. Unlike the Multi-Disciplinary Team which develops and monitors the youth's individual case plan, there is no multi-disciplinary treatment team which develops an individualized treatment plan for the serious and persistent mentally ill youth who have problems navigating daily activities due to impulsive behavior, disorganized thinking, mental retardation, neuropsychological deficits, and/or emotional instability. These youth are particularly vulnerable to sexual activity and abuse.

TYC Health Service Policy and Procedure (HSP.06.05) states that the treatment plan's purpose is "...to ensure that youth with ongoing mental health needs receive treatment according to a mental health treatment plan." It also states that "...individualized treatment plans are developed by each mental health professional providing services to a youth." Examples of mental health services requiring a treatment plan are psychiatric services and ongoing counseling or psychotherapy. In TYC, the use of such a plan is variable; some facilities (e.g., Corsicana Residential Treatment Center and McFadden Ranch) have treatment plans designed to address the unique mental health/substance abuse issues of each youth, while other facilities do not. In response to requests for a copy of treatment plans, consultants at facilities were provided with a copy of the "Plan" from SOAP progress notes. Treatment plans that did exist did not always include gender-informed strategies. Without an inter-disciplinary, clinical treatment team collaboratively developing an individualized treatment plan that is responsive to the unique characteristics of the youth, it is very difficult to ensure integrated care.

The lack of individualized treatment plans is further exacerbated by the fact that most Clinical Directors do not have caseloads. Most of their time is spent responding to crises (e.g., suicide alerts) and referrals. Without coordinated treatment, clinicians often unintentionally sabotage each other. The primary treatment modality throughout the facilities appears to be psycho-pharmacological, crisis intervention, and behavior management. When master degree clinicians spend most of their time responding to crises or referrals, there is very little time for talk therapy. Consequently, at a number of facilities, there were few counseling or therapy groups and few youth in individual counseling/therapy. Additionally, in some facilities, youth appeared to believe that they have to threaten suicide or have some other kind of mental health “crisis” in order to meet with a clinician.

Though individualized treatment plans are important for all youth exhibiting significant and persistent mental health concerns, they are a critical component to treating sexually aggressive youth and/or youth with histories of sexual trauma. As noted earlier, if sexually at-risk youth are not being provided with the most comprehensive mental health treatment possible in a confined setting, there is increased risk for sexual aggression and/or victimization to occur.

Recommendation: TYC should consider developing an inter-disciplinary clinical treatment team model to help stabilize services provided to youth with serious and persistent mental health issues, including those who have been subject to sexual abuse or who demonstrate sexually aggressive behavior. These teams should work with the larger facility-based Multi-Disciplinary Team to reconnect the youth with the community.

Recommendation: Consider assigning caseloads to the master degree clinicians and having them see the youth on their caseload during regularly scheduled appointments. To demonstrate to the youth the importance of their individual sessions, these clinicians could give each youth an appointment during which problems are identified, achievable goals are set, and an effective treatment plan is developed and implemented. This strategy is critical to ensuring the sexual safety of the youth.

Recommendation: All facilities must have a clearly defined mechanism for juveniles to request to be seen (e.g. medical call); there needs to be a systematic mechanism for actually seeing juveniles, which uses a manageable triage system that a) identifies pre-existing mental health needs and diagnoses, b) identifies any emerging crises and c) involves an effective oversight mechanism to ensure timely response by mental health staff when necessary, particularly incidents involving sexual abuse/safety.

Suicide Prevention and Treatment (Youth Safety, Youth Services, Staff Support)

Observations: Research recognizes that crises of sexual identity and experiences of childhood sexual abuse contribute to adolescent suicide ideation. TYC has clear and detailed suicide prevention policies, procedures, and forms. At-risk youth are identified and monitored by on-site mental health staff until the risk is determined to be minimal. These tools and procedures were developed by TYC in collaboration with national expert Lindsay Hayes, and represent best practice.

Based on the consultants’ review of the policies, required paperwork, and interviews, staff at a number of facilities are spending an inordinate amount of time with the implementation of this policy. Throughout the agency, the number of youth on varying forms of Suicide Alert (SA) on a daily basis appears to create significant challenges for staff to effectively supervise and monitor the youth. In most cases, youth on SA remain in their normal housing placement so as not to disrupt their programming

and treatment. This can present challenges for the staff as they must monitor the suicidal youth while also supervising normal dorm activity. In the evenings, youth on SA may be permitted to sleep in their rooms or are sometimes placed on mats outside the 'picket' (control) room to facilitate custody staff's active monitoring of them.

In many TYC facilities, there seems to be inconsistency in the implementation of suicide assessments, coupled with difficulties in administering them in the manner prescribed. Suicide Alert implies imminent risk of harm to self; a result of an extant mental illness, crisis, and/or decompensation in which psychiatric medication has yet to ameliorate the mental health condition. A number of juveniles remain on alert for extended periods of time (in one area, weeks, and even months) which defeats the purposes of suicide assessment. Youth are receiving limited access to services, resulting in increased suicidal threats.

Recommendation: The implementation of the protocol for putting a youth on Suicide Alert should be reviewed and, if required, changed to ensure that only actively suicidal youth are placed on SA.

Recommendation: TYC should revisit its suicide prevention practices to evaluate implementation, analyzing whether intent of the policy is being met. Every facility should implement a more systematic and thorough assessment process, including placing at-risk youth on a caseload with individual therapy sessions. Staff resources required to attend to the needs of the youth who exhibit suicidal behaviors should be examined to ensure adequate coverage. This is critical to ensure the physical and sexual (and emotional) safety of youth with mental health involvement.

Oversight and Quality Assurance (Accountability)

Observations: There is excellent oversight in the medical and pharmacological areas, with annual University of Texas Medical Branch audits, Texas Youth Commission audits, corrective action plans, quarterly UTMB pharmacy audits, and monthly continuous quality improvement data reports looking at specific indicators including knowledge of sexual abuse response protocol. This same level of oversight is not present in the mental health arena.

There is considerable variability between facility mental health programs and their respective oversight. Much of the variance is a result of the local level Clinical Directors' different interpretations of policies, procedures, and directives. On-site, they believe they are "doing the right thing" and acting in accordance with TYC policy. When reviewed from a broader scope, however, there are inconsistencies in treatment delivery across the agency. Another key component of effective quality assurance is the availability and use of data. Although significant information and data is available from multiple sources and in various formats, it does not currently exist in a format that is 'user-friendly' to clinical managers and supervisors. This prohibits them from making data-informed clinical decisions, including those involving staff and resource deployment. Again, this impacts availability of clinical staff to respond consistently to the youth concerned with sexual activities, sexual acting out, sexual pressuring, sexual identity, or fear of being sexual abused.

Recommendation: In order to ensure consistent delivery of quality care and compliance with policies and procedures, it is recommended that a number of oversight/monitoring tools be developed for use by both facility-based and central office staff to evaluate the delivery of mental health care and to identify treatment needs related to prior histories of sexual abuse.

Recommendation: To promote greater quality assurance, TYC should implement standardized statewide compliance audits performed at least annually by the facilities and by central office. Self audits are critical, and should include corrective action plans with monthly continuous quality improvement reviews. The Quality Assurance Division could incorporate these audits into its review processes and include items related to the agency's zero tolerance sexual abuse policy.

Recommendation: It is recommended that TYC review the current data systems in place at both the facility and at central office and determine if there are reports or data sources that would aid in clinical management and decision-making at the facility level. This is particularly important for facilities with specialized mental health/substance abuse populations (e.g., Corsicana and McFadden Ranch).

Recommendation: As part of TYC's planned review of mental health, the agency should determine if oversight of mental health operations and staffing is adequate to ensure that clinical services are comprehensive and respond to the needs of the population.

Agency Update: As noted previously, TYC is increasing psychological services through the addition of three Associate Psychologist positions that will be housed at halfway houses. Mental health components are being built into the UTMB electronic medical record to support desired integration of clinical data. This will increase continuity of care and contributes to strengthening the cohesion of the clinical staff.

E) FACILITY CULTURE

Youth Culture: Gang Activity (Youth Safety, Youth Services, Staff Support)

Observations: TYC recognizes that gang involvement may play a role in the increased vulnerability of some youth to sexual abuse, particularly with respect to the power and control issues that are hallmarks of gang activity. Youth and staff report concerns that older youth, whether gang affiliated or not, are more "street savvy," and may present an increased threat to their safety, including sexual safety. While TYC's Safe Housing policy ensures some safety through the living arrangements for these groups of youth, other opportunities exist for daily contact.

The TYC has begun to address the issue of youth involvement in gangs as part of its reentry strategy, most recently through the implementation of a Gang Intervention programming on September 1, 2010. The agency has also received a grant from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, provided for the "Gang Intervention Team: Re-Entry Development for Youth (GitRedy)" program, in which gang-affiliated Harris County youth and their families will receive specialized services approximately four months prior to the youth's release. Educational, vocational, faith-based, therapeutic, and intensive case management services designed to reduce recidivism and increase positive youth outcomes will be rendered in collaboration with community partners.

Staff at many facilities expressed concern in response to a perceived increase in gang-related activity. They reported that this activity is most commonly seen in cases of weaker or non-affiliated youth being bullied ('bowed' or 'clucked') into giving away their food, snacks, or medication. When staff has become aware of such incidents, they have documented the perpetrators and worked to protect the victims, generally by keeping them closer to staff workstations and/or having them eat in their cells instead of in the group setting in the dayroom. Youth who were interviewed on this topic substantiated staff's

concerns, attributing these aggressive behaviors to both gang-affiliated youth and the ‘recommits’ (youth who have been recommitted due to a technical violation of their parole and/or a new offense).

Youth who felt unsafe commented that they – or someone they knew – had been the victim of ‘catching a cell,’ (e.g., they had been followed into a bedroom when staff were not watching and had been physically assaulted by another youth). They shared that the victims are often hit in the stomach or other soft tissue areas so that the injuries are not readily visible to staff. Although the consultants were not able to determine the extent to which this may or may not be occurring, it does warrant further review and intervention. If there is the potential for physical abuse, there is potential for sexual abuse.

Recommendation: TYC should regularly review and augment staff training modules to include practical training to address identification of current gang symbols, signs, and behaviors. As gang activity and culture change frequently, this review should occur on at least an annual basis and should be incorporated into annual block training. Providing updated/current training will better prepare staff to recognize both the subtle and more obvious signs of gang activity among the youth and increase the physical, emotional and sexual safety of all youth.

Recommendation: To increase sexual safety and the success of all youth, TYC should review additional strategies to combat increasing gang activity at TYC facilities, including (1) ensuring that the initial classification processes that document gang affiliation and ties are effective, (2) placing gang-affiliated youth in appropriate programming, and (3) developing a comprehensive gang renunciation process for interested youth.

Agency Update: House Bill 2086 requires youth sent to TYC who have engaged in gang-related conduct to complete a criminal street gang intervention program, including at least 12 hours of instruction prior to release. The program may include voluntary tattoo removal by the youth. Group leaders and caseworkers received specialized gang intervention training on August 1, 2010, for the youth programming which began September 1, 2010.

TYC has also consulted with and visited a program on site in Pennsylvania where juvenile practitioners have implemented promising youth gang intervention strategies, including the use of Gang Peace Treaties. The agency is also working in conjunction with the Houston Mayor’s office to establish a training curriculum for the staff, working on the newly established gang reentry project.

Youth Culture: Youth Sexual Behavior (Youth Safety, Youth Services, Staff Support)

Observations: Many staff reported that youth who are “testing boundaries” sometimes engage in “horseplay” that is sexual in nature. While the behavior does not appear to be assaultive (e.g., wrestling, smacking each other in the buttocks with a towel in the shower), it is still important that these incidents be addressed consistently and in compliance with agency policy. In many of these situations, the staff may perceive the behavior to be willing on the part of the youth involved. Although this may be the case in many situations, in others, this kind of behavior can be aggressive or progress to more serious sexual behaviors, including sexual abuse.

Recommendation: TYC should continue to provide interactive training for all facility staff to manage youth who are exhibiting sexual behavior, emphasizing the recognition of warning signs or “red flags” that indicate risks to sexual safety. The training should include skill-based training that includes case

scenarios informed by research on adolescent development. All JCO staff/supervisors, case workers, and clinical staff must play a critical role in responding to the sexual behavior of youth.

Recommendation: Further analysis of 225 Incident Reports, PBIS data on bullying, and the trends of specific dorms is recommended so as to make use of the considerable data available to the agency when designing the intervention strategies and staff training.

Recommendation: The TYC should ensure that all levels of sexual behavior among youth are appropriately addressed by staff. Any sexual activity, even if perceived to be willing, should generate a response from staff consistent with TYC policy.

Agency Update: TYC leadership has charged a new workgroup to enhance the current ability to analyze data related to integrating 225's and incident reports. This will allow for data analysis as well as flagging and follow-up of incidents. In addition, this may help with the issue of JCO V and VI paperwork mentioned later in the report.

Youth Culture: Reporting Sexual Abuse (Youth Safety, Youth Services, Staff Support)

Observations: Staff and youth reported that the agency reforms and emphasis on multiple ways of reporting sexual abuse have increased confidence in the agency's commitment to a zero tolerance policy. TYC is working closely with a number of partners – including the advocacy community and legislative stakeholders – to create and sustain a culture of reporting among the youth. The range of reporting mechanisms available to the youth has expanded the opportunities for reporting incidents of sexual abuse. According to the perceptions of staff and youth, some of the reports submitted by youth are knowingly false, and interviews with youth and staff confirms that some youth will threaten a false allegation or actually use the hotline to call in a false allegation.

The consensus of all consultants involved in the assessments is that TYC facilities can be characterized as “reporting cultures.” Staff training, youth orientation, on-site investigators, a hotline (“blue phone”), cameras, staff conferences, the ombudsman office and other third party reporting mechanisms are all strategies that youth and staff understand provide increased avenues for reporting sexual abuse. Many youth recognize that the staff, the agency leadership, the advocates, the legislature and the public at large have embraced and insisted on a zero tolerance for sexual abuse in TYC facilities. The elevated – and warranted – attention to the sexual safety of TYC facilities unfortunately results in circumstances where some youth may abuse the system of reporting. In the last decade, experts have been reluctant to recommend sanctions for false allegations out of concern that any sanctions will detrimentally impact the reporting of legitimate allegations.

When a youth makes an allegation against a staff member, staff perception is that the staff member is immediately removed from his/her post and assigned to a post that does not require contact with youth. However, when an allegation is made, all information is immediately reviewed by senior field leadership, coordinating appropriate action without hindering the investigative process. A decision regarding staff placement is made on a case by case basis. All staff placements based on investigations are reviewed weekly by senior field leadership.

Staff believe that youth wield this power without consequence for knowingly making a false statement creates significant strain among the staff. Throughout the course of the facility assessments, staff shared

their frustration over their inability to hold youth accountable for making false reports of sexual abuse. It was reported directly by youth that they sometimes submit false allegations of sexual abuse against staff – when they are unhappy, for example, with a staff member for holding them accountable for a rule violation – because they know that the staff member will face immediate consequences. This, according to both the staff and the youth, occurs with no repercussions for the youth who submitted the report.

In all correctional agencies – adult and juvenile – the fear of false allegations is generally not consistent with the reported allegations. If false allegations continue in significant numbers, there are often supervisory issues and a lack of confidence in the investigative process. OIG data provided to the TYC Board’s Safety and Security Committee indicates that false allegations are relatively low and have decreased over the last three years. Additionally, field leadership reports having a provision for holding youth accountable for knowingly making false allegations and has utilized them in cases where such a response is warranted.

Recommendation: TYC should develop a strategy to communicate the agency’s policy for addressing youth who repeatedly submit false allegations against staff. Care should be taken to ensure that any discipline is imposed in a manner that will not discourage youth from reporting legitimate concerns or suspicions.

Recommendation: Each case of unquestionably false reporting should be assessed individually for appropriate sanctioning, taking into consideration the youth’s mental health or other circumstances that may influence the ability of the youth to understand appropriate use of reporting mechanisms.

Agency Update: A Memorandum of Understanding (MOU) exists between the newly appointed Ombudsman and TYC, consistent with Senate Bill 103 and House Bill 3689.

Staff Culture: Influencing Factors, Cultural Norms and Sexual Safety (Youth Safety, Youth Services, Staff Support)

Observation: The staff cultures within secure facilities and the halfway houses are not mirror images of one TYC model of operating. Influencing factors create the culture of a facility impacting the norms and behaviors of staff. These factors might include:

- differences in the development of the mission of an individual facility;
- the history of facility administrations;
- the community that provides support through volunteer activities and partnering;
- the workforce available in the geographical area; and
- the history of major changes and critical events.

All of these factors contribute to shaping the culture of a given facility. The amount of change all facilities have faced is notable and acknowledged by TYC leadership as the reform efforts become less about reform and more about the rebuilding and integration of best practice into the agency culture. The importance of shaping staff culture as a strategy for creating safe environments for youth and staff is foundational to sustaining the positive changes realized by the reform efforts. Each facility has strengths and challenges as the agency reform transitions into models of best practice in all areas of

operating. The Moss Group team has met with remarkable staff in every facility. Our team has also observed the challenges faced by facility administrators – whether recruitment of a diverse and bilingual staff; moving forward after multiple changes of administration – building leadership and supervisory capacity – or responding to limited resources in managing special populations – all facilities are on a unique developmental path of improving the cultural norms that result from these influencing factors.

Facility administrators appreciate that there are natural staff subcultures that can contribute to or derail the success of a facility in developing trust and the sharing of common goals. A positive staff culture may encourage appropriate staff-youth relationships and reporting of sexual abuse; a culture that is fractured might support the existence of a code of silence. TYC has a diverse staff with different backgrounds and experiences that they bring to the workplace. Some of these include cultural and gender differences, experience working with the adult system, long-term experience in state schools that have closed, and staff who have been recruited from other state and local systems. Integration of staff with these different backgrounds and cultural experiences can be challenging but rewarding as a rich mix of staff is a very positive influence on the facility culture.

The common theme that does resonate with staff in every facility is that youth safety - physical, sexual and emotional - is a fundamental right. This core value will continue to be strengthened in its application as each facility addresses cultural norms that present challenges to the prevention and intervention strategies in maintaining a zero tolerance for abuse.

Recommendation: Provide opportunities for staff team building and commitment to the mission of the facility and the agency. Staff at all facilities are interested in continuing to build stable and safe facility cultures. Identifying the importance of healthy facility cultures is essential to the continued improvement of all forms of safety.

Recommendation: Training offerings should be reviewed and enhanced to build appreciation for all forms of diversity and life experiences of staff as well as understanding and cohesiveness in building capacity to support the reform efforts.

Recommendation: TYC should continue to seek opportunities to expose staff to the best practices in working with the youth population. This includes building on the staff's understanding of the diverse characteristics of the population and the influence of those characteristics on youth culture and subcultures. Doing so helps to build trust between youth and staff, further supporting a culture of prevention.

F) STAFFING ISSUES

Staff Scheduling (Staff Support, Youth Safety)

Observations: TYC leadership recognizes the challenge of staff absenteeism and has implemented strategies to encourage a higher rate of attendance, particularly among JCO staff. Staff absenteeism threatens the safety of facilities and demoralizes staff that work hard to manage their job responsibilities. Initiatives implemented by TYC Human Resources staff, such as financially rewarding staff who have successfully worked for two months with perfect attendance and public recognition of staff with four or more months of perfect attendance, are promising.

At the time of the assessment, JCO staff were working seven or eight days with a single day off in between and, in some cases, were required to work twelve-hour shifts before/after this single day off. This was confirmed through a review of schedules and staff interviews at various facilities. With a number of staff out due to authorized leave and light duty assignments, it is a challenge to provide adequate coverage at many facilities.

To address some of these issues, a new JCO schedule was implemented on October 31, 2010. Based on the new rotation, all JCO staff will work a four-day-on, two-day-off rotation, with two extra days off per month, which provides flexibility in their schedule. This new schedule has been designed to allow staff to know when they are working in advance, and to reduce overtime and absences. TYC has also worked to reduce overtime and staff absence through a variety of practices designed to increase employee recognition including the JCO Perfect Attendance Award mentioned above and a policy allowing JCO's to receive administrative leave. The turnover rate for JCO's has dropped from 49 percent (49%) in 2007 to 32 percent (32%) in 2010. Efforts to increase staff support and retention are critical to the success of the reform efforts in increasing sexual safety.

Recommendation: TYC should continue to review and monitor JCO staff schedules to ensure that mandatory overtime is distributed equally among staff and in a manner that is respectful of their regularly scheduled days off ('R-days').

Recommendation: TYC should continue to analyze sick leave and workers compensation usage to ensure that the agency is doing all it can to increase employee motivation and satisfaction, as well as to identify abuses of the system.

Agency Update: TYC is currently reviewing patterns of staff and youth injuries and workers compensation claims to develop strategies that increase safety for staff and youth.

Staffing Responsibilities: Caseworkers, Supervisory JCO, and Clinical Staff (Youth Safety, Youth Services, Staff Support, Accountability)

Observations: Line staff reported a lack of supervision from JCO V and VI staff due to the large quantity of time required to complete administrative work. JCO V and VI staff agree with this observation, and stated throughout the assessments that they are unable to spend the time necessary in the dorms supervising staff and youth due to other responsibilities. As a result, line staff lacks necessary guidance in youth supervision and other responsibilities.

Treatment and administrative staff also felt challenged in fulfilling their assigned duties, particularly with respect to required paperwork – some of which is duplicative. It was reported by staff – both caseworkers and custody staff – that caseworkers often have days where they spend less than an hour a day with youth because they are spending the rest of their time doing paperwork.

These issues impact youth safety – including sexual safety – as caseworkers and JCO V and VI staff are unable to spend sufficient time with the youth and therefore may not be developing the supportive staff-youth relationships necessary for establishing and maintaining a reporting culture or, in the case of JCO V and VI staff, are not providing the appropriate oversight to facilitate the development of these relationships between line-staff and youth.

TYC, as an agency, does not require staff to complete both hardcopy and electronic paperwork. However, through the reform period, facility administrators and individuals may have created processes to manage tasks. TYC is in the process of addressing this issue, and recently held a case manager workgroup to assist with analysis of current facility-based practices related to required paperwork.

Recommendation: A Job Task analysis for each of these functional areas should be conducted, and job tasks should be aligned with the responsibilities and scope of the position. Direct service with youth is required to maintain safe and supportive environments for youth.

Staff Recruitment (Youth Safety, Youth Services, Staff Support)

Observations: In 2007, the recruitment and hiring processes of facility staff were centralized and are now managed by the Human Resources Department through regional recruiters. This reform has successfully ensured that HR professionals outside the facility chain of command would screen applicants for job suitability. Human Resources staff is continuing to play this centralized role, making every effort to identify and recruit qualified males and females from diverse backgrounds to hire as contributing TYC staff. Facility administration reported to the consultants that while they understood the reason for centralization, they would like to have input into final HR recommendations for new employees.

The Human Resources Department is aware of the areas in which greater recruiting efforts are necessary. TYC's recruiting staff is proactive, and actively recruit through job fairs, reaching out to high schools, and local colleges and universities. The HR Department is exploring ways to involve facility administration in the hiring process to a greater degree in the future while maintaining the intent of Senate Bill 103.

Recommendation: TYC should continue to make every effort to hire diverse line staff. Although the department has been very successful in some locations, certain facilities demonstrated shortages of Hispanic staff and male JCOs.

Recommendation: TYC Human Resources should continue to reach out to Superintendents to involve them in the hiring processes, perhaps by allowing facility representation at interviews.

Staff Rotation (Youth Safety, Youth Services, Staff Support)

Observations: TYC policy is in accordance with Senate Bill 103 in its requirement that staff rotations occur at least once every six months to ensure over-familiarity between staff and youth does not develop, which could potentially result in professional boundary challenges.

The concept of staff rotation originates from experiences in the adult system based on cases of staff sexual misconduct created by undue familiarity. Though also true in the adult system, the development of healthy relationships between staff and the population is even more critical. These relationships contribute to the mission of youth safety as they support the development of trust between youth and staff. When youth trust their unit or dorm staff, they are more apt to bring sensitive issues to their attention.

Recommendation: Consultants recommend that staff rotations occur on a regular basis in accordance with TYC policy. Staff should be rotating their positions at least every six months. It is recommended that this rotation occur using strategies that meet the requirements of Senate Bill 103 while creating stability with staff-youth relationships (such as sequencing rotations to ensure continuity of dorm/unit staff, rotating within the same specialized populations).

Background Checks

(Youth Safety, Youth Services, Collaboration and Transparency, Accountability)

Observations: TYC fulfills Senate Bill 103 requirements by conducting background checks on all staff, contractors, and volunteers. TYC policy requires background checks and fingerprint cards for every person having direct unsupervised contact with youth, including staff, contractors, and volunteers. Full background checks are consistently completed for all new hires, contract staff, and volunteers who provide volunteer services at TYC facilities. In addition, annual criminal history background checks are conducted for all TYC employees during the employees' birth months, and annual criminal history background checks are requested for all vendors and volunteers during the month of March. The Department of Public Safety also automatically notifies TYC of any arrests of TYC employees, contract vendors, and/or volunteers.

According to agency policy, special event volunteers can participate in facility activities up to four times in a calendar year without the necessity of undergoing a full background check. They are not left unsupervised with youth at any time. This process allows facilities to bring in one-time speakers. This policy appears to need clarification with facility staff.

Recommendation: Facility administrators should ensure that the Volunteer Policy (VLS.01.04) that enables visitors and groups to participate in special events without enrolling as volunteers, be communicated with staff.

Staff Referrals to OIG (Youth Safety, Staff Support)

Observations: The TYC Human Resources Office prepares a monthly report outlining all staff disciplinary actions taken. This report is then shared with the Office of Inspector General Staff for the purpose of ensuring that all potentially criminal incidents are appropriately handled.

Consultants reviewed the interaction between the disciplinary process and investigations conducted by the Office of Inspector General. The disciplinary report supplied to OIG by TYC Human Resources included a number of entries which were investigated by the Office of Inspector General staff. Many of those cases involved allegations of use of force, improper strip searches, et cetera. A number of entries on the chart involved the failure of staff to appropriately supervise youth which contributed to youth being assaulted and/or injured. Consultants were not able to review each of these cases, but did discuss the process with staff in the OIG, and suggested more closely monitoring potential implications of criminal investigation.

Recommendation: Consultants recommend that Human Resources and OIG staff review the process of handling disciplinary cases to continue to ensure that cases involving potentially criminal behavior are referred appropriately to the OIG.

Staff Training on PREA (Youth Safety, Youth Services, Staff Support)

Observations: TYC should be commended for the development and implementation of a comprehensive PREA training initiative. The agency conducts training on PREA that includes the requirements of the Act, the TYC Zero Tolerance Policy, staff reporting duties, Texas laws, TYC policy regarding sexual activity with a person in custody and the identification of signs and symptoms of sexual abuse. The curricula addresses the impact of Post Traumatic Stress Disorder (PTSD), responding to gay, lesbian, bisexual, and transgendered (GLBT) youth, and the importance of facility culture in encouraging the reporting of sexual abuse. The curriculum is well organized and professionally designed. All staff interviewed during the assessment period demonstrated an understanding of their duty to report and the importance of their role in ensuring the sexual safety of youth.

All new staff receives eight hours of initial PREA training and all staff receives four hours of mandated block training on PREA annually. All volunteers and contractors receive training on PREA and their duty to report, as well as the process for reporting any concerns related to sexual abuse. PREA e-learning training is also available for in-service training. Some facility training staff reported that PREA training does not require eight hours as designed. Training staff should be periodically surveyed to ensure that curricula and training materials are current and up-to-date and trainers are implementing the modules as designed and have opportunity for recommendations.

Recommendation: TYC should continue regular training on PREA and periodically update and refresh its curriculum.

Staff Training (Youth Safety, Youth Services, Staff Support, Accountability)

Observations: As consultants spoke with facility staff and youth throughout the agency, there were a number of suggestions for enhanced staff training to increase sexual safety. Because of the opportunity to visit nineteen facilities and meet with all levels of staff, identification of training needs is very comprehensive. The Moss Group recognizes that TYC has extensive training materials and curricula for staff, however there are additional areas that could be updated. Prioritizing training needs and sequencing opportunities for staff development is important to promote both retention and application of techniques taught in the classroom setting.

Recommendation: Staff training should include:

- Training on working with special populations
 - How to work effectively with youthful sex offenders
 - Working with victims of trauma
 - Treatment and management of youth with mental health, cognitive impairment and other psychiatric problems
 - Gang behaviors and effective interventions strategies line staff can take
 - Working effectively with recommittees or older youth
- Treatment/Programming training
 - Communication and counseling strategies for working with youth

- MDT process training
- Inter-disciplinary team training
- Mental health skills training
- Suicide prevention and alert training
- Position-development training
 - Supervisory and leadership skills development
 - Appropriate professional boundaries
 - Managing and leading groups
- Reporting-related training
 - Youth grievance process and communication strategies
 - Operating effectively as a first responder
- Gender-Responsive training (continue to build on the work of Denise Bray)
 - Understanding gender-responsive principles
 - Gender-informed use of the CoNEXTions[®] program
 - Cross gender supervision
 - Implementation of gender-specific programming (e.g., Boys Council, Girls Circle)
 - Education regarding the sexual development of teenage boys and girls – what are typical explorations of sexuality

Recommendation: TYC should develop a strategy for prioritizing and addressing training offerings in the identified areas. These training offerings could be included in new staff training, annual refresher training, or as a stand-alone module offered to all staff. The most immediate training needs for increasing sexual safety are skill-based strategies to respond to the behavior of the youth, particularly in dorm settings, and consistent with the CoNEXTions[®] model; cross gender supervision training; effectively managing groups; and professional boundaries. All training should be trauma informed with awareness of the characteristics of youth.

Agency Update: TYC has partnered with the Texas Juvenile Probation Commission and the MacArthur Foundation under the mental health/juvenile justice action network to develop a training package for clinical staff and case managers utilizing motivational interviewing principles. The most recent program includes multiple strategies with emphasis on dorm leadership and monthly follow up with facilitators for additional guidance. Pilot programs have been introduced at both the Ron Jackson State Juvenile Correctional Complex Unit I and the Crockett State School.

G) REPORTING, INVESTIGATIONS, AND PROSECUTIONS

Observations: Since 2007, TYC has instituted multiple avenues through which youth can report abuse including the grievance system (grievance forms are accessible from the youth grievance coordinator in

each dorm), the 'blue phones' (hotline), and speaking directly to investigative staff, the ombudsman, or to their family members. They can also request a conference with a staff member or simply report an incident or concern to any staff member. Youth at all facilities stated that there were staff members they felt comfortable approaching to report abuse, and they were aware that significant incidents should be reported quickly.

Reporting: Grievances, Timeliness and Thoroughness of Responses (Youth Safety, Staff Support, Collaboration and Transparency, Accountability)

Observations: The youth grievance process is coordinated by a Youth Rights Specialist at each facility who is supervised by a manager in the central office. A youth grievance clerk at the facility assists in the initiation of grievances by providing grievance forms to his or her peers. Grievances are numbered and tracked in a monitoring system. The General Counsel's Office is developing a procedural manual for use by Youth Rights Specialists which should also supplement training for these staff members. Consultants reviewed a number of individual grievance responses, many of which contained thoughtful responses by staff. They were not always complete in addressing all issues raised.

TYC policy requires a response to all grievances within 21 days of receipt. TYC has focused on increasing the timeliness of the Grievance Process for Youth and all audit reports reviewed indicated improved practice in this area. Regional managers receive a weekly report from Youth Rights Specialists, and meet weekly with them to review issues related to grievances, including timeliness. This process has reportedly allowed for another level of accountability and progress in meeting proscribed timeframes. Oversight of grievances will be further enhanced by a revision to the new grievance data system, with implementation anticipated for the fall of 2010.

The Moss Group consultants reviewed aspects of the youth grievance system at both the central office and facility levels. Consultants reviewed a sample of grievance data for the months of May and June 2010. In May 2010, the agency received 807 grievances of which 656 (81%) were resolved in a timely manner, 137 (17%) were resolved late and 25 (3%) grievances were overdue. In June 2010 the agency received 855 grievances of which 597 (70%) were resolved in a timely manner, 208 (24%) were resolved late and 54 (6%) grievances were overdue. Consultants were unable to determine the reasons for the late and overdue grievances. Timeliness in resolving grievances is important to encourage participation in the grievance process and ensure that problems are resolved as quickly as possible.

A number of the responses reviewed by consultants did not appear to directly respond to all of the issues raised in the grievance. In some instances, only one issue on a grievance form was addressed, and the analysis of the youth or staff's behavior was not fully explored. This was especially the case with sexual behavior.

Recommendation: TYC should continue to monitor grievance data on a monthly basis to determine if a significant percentage of grievances are resolved late or are overdue, and identify additional training or changes needed in the process to ensure timelines are met.

Recommendation: Each facility administrator should review available monthly data to (1) identify trends, (2) ensure that all issues raised by youth are being adequately addressed, and (3) make certain that grievance resolutions are fair and consistent.

Recommendation: Staff responsible for resolving grievances must be trained to ensure they recognize all issues being raised by youth. The training curriculum should include tools to effectively respond to youth grievances, to clarify the types of complaints, as well as providing examples of appropriate responses to common issues. Increasing staff confidence in handling the grievance process will likely reduce the number of late grievances, and reduce the tendency of staff to simply refer youth to the hotline. Better coordination of the process with the Incident Reporting Center (IRC) will help to ensure grievances are processed in a timely and accurate manner, allowing for more accurate outcomes.

Reporting: Grievances, Coordination with the Incident Reporting Center (Youth Safety, Youth Services, Collaboration and Transparency, Accountability)

Observations: If staff receives a grievance from a youth which involves potential staff sexual misconduct, they are to report the incident to the OIG Incident Reporting Center (IRC) via the investigation hotline. The IRC then determines how the case will be handled and assigned. Similarly, the IRC may receive calls that are more appropriately handled through the grievance process and will refer those cases to the grievance system. Youth at halfway houses reported that they feel most comfortable using the grievance system to address serious concerns, while most youth in the secure facilities felt that they were comfortable with both the IRC and the grievance system for addressing serious concerns.

The Incident Reporting Center (IRC) is staffed by eight IRC specialists who answer calls on the investigations hotline 24 hours per day, seven days per week. Consultants reviewed training and other procedural documents related to the work of the IRC. Based on our review, IRC specialists appeared to receive comprehensive training with the exception of training that would aid in the recognition of trauma informed implications on calls. At the time of our visit, the most recent OIG annual report showed the IRC receiving over 16,500 reports during the September 2008-2009 timeframe.

When a report is received at the IRC, it can be handled in a number of different ways, as documented in the OIG annual report. Of the 16,501 reports received in 2008-09, the percent resolved in each category were as follows:

- The case is closed **(2%)**;
- The case is assigned to the Administrative Investigation Division (AID) of the OIG **(9.5%)**;
- The case is assigned to the Criminal Investigation Division (CID) of the OIG **(5.5%)**;
- The case is referred to TYC Residential Services staff **(29%)**; or
- The case is referred to TYC Grievance System staff **(54%)**.

The IRC has established categories of cases dictating the handling and referral of each case. It is clear from the statistics that the majority of complaints received by the IRC are referred to either residential services or grievance system staff. Once a complaint is referred, it is up to the appropriate staff members to resolve it; there is no further entry in the IRC Complaint Manager. This may be a gap in the process. For example, if a complaint is received from a staff member, family member or youth and the IRC specialist does not recognize an issue related to sexual abuse or sexual behavior in the complaint, it may be referred to residential services or the grievance system. If those residential services or grievance system staff later decides there is no substance to the complaint or it does not merit review, this issue

may never be fully addressed. TYC reports that there is an internal auditor examining what is referred only for informational reasons to residential services.

In addition, some youth did not feel comfortable using the written grievance system for lower level incidents, such as grieving a staff member's action or decision. Many felt that they were not able to obtain a form from the youth grievance clerk at the exact moment that they wanted to and/or that the process of writing out a grievance was cumbersome in comparison to use of the hotline. Others expressed concern that there could be retaliation, which might result in loss of a work assignment, CoNEXTions[®] points or privileges. Youth do not understand that many issues will be referred back to local leadership for resolution if they do not rise to the level of a serious incident.

Recommendation: TYC should develop additional means of educating youth about the grievance system. Greater understanding of the process, in combination with timely and thorough responses from staff, may build youth confidence in the formal (written) grievance system and deter them from using the hotline for every concern. Better coordination of grievances between the grievance system and the Incident Reporting Center (IRC) is encouraged.

Recommendation: TYC may want to discontinue the use of a youth grievance clerk assisting in initiating the written grievance process. This practice may have been useful in the early stages of the reform effort, but warrants re-evaluation based on the increased confidence of youth and staff in TYC's response to sexual abuse.

Reporting: Hotline

(Youth Safety, Youth Services, Staff Support, Collaboration and Transparency, Accountability)

Observations: Senate Bill 103 required TYC to institute hotlines with which youth can report issues of concern directly to a department outside of the facility. TYC instituted the hotline in 2007 and has since installed multiple 'blue phones' in each facility to allow youth easy, unlimited access to this reporting mechanism. Youth must provide their TYC identification number when submitting a report via the 'blue phones.'

The hotline (often referred to by youth and staff as the 'blue phones' due to their bright blue color) is meant for reporting serious abuse and other critical issues requiring a quick response. The installation of the hotline system has increased confidence of youth and staff that all forms of abuse, including sexual abuse, are investigated by OIG. As noted above, data is available that demonstrates the nature of the calls to the hotline. A review of this data indicates that many calls received are lower level grievances appropriate for processing on the facility level.

The popularity of the hotline as a method of reporting is demonstrated by the frequency of its use. Youth often utilize the hotline to report everyday concerns in place of the formal grievance system. Utilizing the hotline in this fashion may result in a slower response to abuse-related grievances as the hotline is overwhelmed with other types of grievances. In fact, some youth reported that they would not use the blue line for a major incident because it would take too long.

Consultants believe that increasing the resolution of lower-level grievances at the local level while still providing youth with access to an outside avenue to report sexual abuse is a natural evolution of the reform efforts and will increase youth trust in facility staff.

Recommendation: Use of the hotline should be continued as this reform effort has increased safety and serves an important function in establishing and maintaining a culture of reporting. However, at this point in implementing reform efforts, it is recommended that a careful review of the use of the hotline occur to increase efficiency in addressing the most serious reports and to rebuild the reporting system of lower level grievances that are handled on the local level.

Investigations: Training and Process (Youth Safety, Youth Services, Staff Support, Collaboration and Transparency, Accountability)

Observations: Designed to serve as an independent law enforcement division to investigate allegations involving TYC youth and/or staff, the Office of Inspector General (OIG) represents a cornerstone of the increased safety measures implemented in TYC. Representatives of the OIG are located in all secure facilities and have investigative responsibility for both criminal and administrative investigations as well as coverage of halfway houses. Many staff and youth credit the presence of investigators in the facilities for increasing safety and compliance in reporting any indications of abusive behavior.

Most criminal investigators have heavy law enforcement background and joined the agency during the early stages of the reform effort. The OIG staff appeared very well trained in many areas. During a central office site visit, consultants reviewed some of the training provided to investigators, including:

- TYC Sexual Assault Training – a four hour training focused on processing sexual assault allegations, securing a crime scene, evidence collection, et cetera.
- OIG 100 – a training that provides guidelines on the OIG Reporting Format to ensure uniform reporting.
- Annual Juvenile Sex Offender Management Conference - an annual conference which is co-sponsored by TYC. OIG has tried to send different staff every other year to provide as many staff as possible with this training opportunity.

In addition to these training offerings, those investigators who are certified peace officers must comply with standards requiring 40 hours of training every two years. The OIG has some staff that are certified peace officer training instructors.

In general, staff throughout the facilities have very positive comments about the on-site OIG investigators and was generally favorable about the investigations process.

Recommendation: The OIG should strengthen the investigative process by reviewing a number of issues, including use of *Miranda* and *Garrity* warnings, preparation of investigative findings, compliance with investigation timelines, conducting after action reviews, and communicating about investigation outcomes. Identification of training offerings in these areas would develop deeper understanding and comprehension of these investigative procedures.

Recommendation: It is recommended that OIG continue to enhance specialized training for investigators, including: (1) techniques for interviewing juvenile sexual abuse victims with emphasis on trauma-informed interviewing techniques, (2) sexual abuse evidence collection in confinement settings, and (3) the criteria and evidence thresholds required to substantiate a case for administrative action or referral to the Special Prosecution Unit (SPU).

Investigations: Use of Miranda and Garrity Warnings (Staff Support, Collaboration and Transparency, Accountability)

Observations: Training materials provided by the OIG and reviewed by consultants included information on the proper time to provide Miranda warnings to those subject to custodial interrogation. Use of these warnings will help ensure that statements received are admissible in later proceedings. Training materials make clear that a *Miranda* warning should only be given when “interrogation” begins and an individual is in “custody.” The process used by the facilities is to have a Miranda warning issued by a Justice of the Peace outside the facility.

OIG training materials discuss the use of *Garrity* warnings, which are administered to public employees to compel their cooperation with administrative investigations. Failure to cooperate may result in discipline or discharge for the employee. The training makes clear that administering a *Garrity* warning requires that the interviewee be told that answers to any questions will not be used against him/her in criminal proceedings. It is not clear, however, if the practices used by the OIG support this principle. It was reported that *Garrity* warnings are administered in administrative investigations and staff may be compelled to provide information. If that information later suggests criminal behavior, the administrative investigation reports are turned over to Special Prosecution Unit (SPU) or district attorney staff. This practice could violate the constitutional rights of staff who are compelled in administrative investigations to provide information that may be used in criminal proceedings.

Recommendation: The OIG should review its use of *Miranda* warnings to ensure continued compliance with constitutional requirements.

Recommendation: The OIG should review its use of *Garrity* warnings to ensure continued compliance with constitutional requirements. OIG staff should ensure separation of administrative and criminal investigations so that compelled statements of staff via use of a *Garrity* warning are not provided to those conducting later criminal investigations.

Investigations: Findings (Youth Safety, Youth Services, Staff Support, Collaboration and Transparency, Accountability)

Observations: The OIG administrative investigators are involved in providing findings on the cases they investigate. As such, they are determining whether a case is unfounded, exonerated, or confirmed.

Best practice for investigations dictates that investigators should only serve as fact finders in the investigative process. By only determining the facts, an investigator can help maintain objectivity throughout the process. In most experts’ opinion, an investigator’s involvement in making a finding compromises the objectivity of the investigator. The appropriate role for an investigator is the development of facts. Conclusions should be drawn by administrators not involved in the investigation.

Recommendation: The OIG should review its report writing process to limit the role of administrative investigators to that of a fact finder who gathers facts but does not make conclusions or case closure disposition decisions. These conclusions or case closure disposition decisions should be made by an individual who was not involved in the fact gathering aspects of the investigation.

Investigations: Timeliness

(Youth Safety, Youth Services, Staff Support, Collaboration and Transparency, Accountability)

Observations: TYC Policy GAP 93.33, Alleged Abuse, Neglect and Exploitation, sets forth timelines for completing investigations. The policy provides that an investigator must submit a completed investigation to the AID Lieutenant no later than 30 calendar days after assignment. When the investigation is not completed within that timeframe, the policy requires that a justification for the delay be submitted with the completed investigation. In the summer of 2010, new priorities were established for investigations to ensure that those involving allegations of sexual abuse are the top priority.

Consultants reviewed a number of investigative reports from each of the three OIG databases. At the time of the review, one report included Overdue Investigations from December 1, 2008 through August 17, 2010, which contained a lengthy list of investigations that were not completed within proscribed OIG timeframes. The leadership of OIG was able to provide updated information verifying the results of these investigations. It is important that OIG continue to work with Superintendents to ensure they are fully informed of the status of ongoing investigations.

A new process was recently initiated to provide each investigator with a case log which is monitored by the investigator and the supervisory lieutenant. This will help investigators track the timeliness of their investigations.

Recommendation: OIG staff should continue to track and monitor the list of backlogged investigations to ensure prioritization of those cases that respond to allegations of sexual abuse.

Investigations: Communications

(Youth Safety, Youth Services, Staff Support, Collaboration and Transparency, Accountability)

Observations: OIG staff reported that alleged perpetrator(s) and alleged victim(s) both receive a written notification upon the conclusion of an investigation. The following concerns were expressed:

- Many staff indicated that they receive a form letter at their home address following the conclusion of an investigation. Staff expressed concerns about receiving this information at their home address even if the allegations were unsubstantiated. Some staff stated they did not even know an investigation was underway until they received the letter.
- Other staff reported receiving a letter when an investigation was initiated.
- There appears to be a lack of communication in some locations concerning when an investigation has begun and when an investigation has concluded.
- Some parents or family members reported that they received a form letter rather than a phone call or other personal communication, which would be preferred, with regard to concerns about the safety of the youth.

It is important that the outcome of an investigation be appropriately communicated to those under investigation, those reporting, and those who may have been victims. Communication with those under investigation is particularly important. The method in which this communication is conducted can either build confidence or distrust among stakeholders involved in the investigations process.

Recommendation: TYC and OIG should review all communications associated with the investigative process, and should further refine and/or improve communication methods, if warranted, with all parties involved in investigations.

Investigations: After Action Reviews (Youth Safety, Youth Services, Staff Support, Accountability)

Observations: After action reviews occur at both the facility and central office levels, though not in a coordinated or consistent manner. Reviewing investigations at a local level provides the facility an opportunity to analyze contributing factors, review policy compliance, and determine if corrective actions are warranted when an incident has occurred, consistent with PREA draft standards. Currently, this is not done in a coordinated or consistent way across the agency.

Recommendation: TYC and OIG should evaluate their after action review process and develop a coordinated and consistent method for analyzing the data that emerges.

Recommendation: Each facility should examine their after action review process and identify staff to be involved in this process to help eliminate reoccurrences. After action reviews can spot vulnerable areas for assaults, reveal patterns in incident occurrence, or identify key “players” in common incidents. Reviewing these investigations using facility staff with diverse backgrounds (security, health administration, crisis counselors, and correctional personnel) can better identify areas where a facility can take preventative measures.

Prosecution Efforts (Youth Safety, Staff Support, Collaboration and Transparency, Accountability)

Observations: The Special Prosecution Unit (SPU) Juvenile Division was established in 2007 to assist district attorney’s offices in the prosecution of criminal cases within TYC. Any time a crime is committed on TYC property and there is enough evidence to bring the case forward, SPU prosecutes. The SPU works in coordination with the TYC OIG in presenting and prosecuting investigations conducted by OIG. The OIG and SPU have developed procedures for the appropriate referral of cases to the SPU. The SPU works collaboratively with OIG staff and takes the role of prosecuting cases seriously. This role is consistent with prosecution best practices.

Consultants reviewed information from the 2008-2009 OIG Annual Report as well as recent data regarding cases referred to the SPU for prosecution. OIG staff have a very good working relationship with the SPU and it appears that SPU staff take these cases seriously and make them a priority for prosecution. There are areas of the state where local district attorney’s have retained jurisdiction over TYC cases and the SPU is not involved in prosecution. Historically OIG may have experienced delay in getting cases prosecuted in these areas, but this situation appears to have been resolved and currently there are very good relationships with outside prosecutors. Some facility staff expressed concern that those staff involved in sexual misconduct have been terminated but were not prosecuted. Though there have been prosecutions throughout the agency, staff may not be aware of these cases.

Recommendation: TYC should continue to work with the SPU and local District Attorneys to ensure appropriate cases of sexual abuse are prosecuted expeditiously, and, when possible, to inform staff throughout the agency that these prosecutions have occurred.

H) PHYSICAL PLANT

Use of Cameras (All Areas of Reform)

Observations: TYC has increased staff and youth safety through the installation of cameras that cover virtually all areas throughout the secure facility and halfway house campuses. The few isolated areas are identified and staff provide additional supervision where warranted. All facilities in need of additional cameras have a placement plan for the implementation of the additional cameras that have been made available by two state school closings. Youth and staff commented at every TYC facility that cameras have increased safety, especially sexual safety.

TYC has instituted a comprehensive effort to increase the number of cameras in use at all facilities. Since 2007, TYC has installed over 12,000 cameras at secure facilities and hundreds more in halfway houses. As the implementation of these cameras did not include funding for monitoring the system, it has been used primarily for evidentiary purposes.

Additional cameras from the closure of the West Texas facility will be allocated among facilities according to a current TYC technology plan with the goal of providing surveillance for isolated areas and contributing to investigative functions. Cameras are an important strategy in the TYC reforms, however, they should not take the place of direct supervision, which can prevent sexual abuse through the recognition of warning signs. Given the limited number of staff monitoring the large number of cameras, it is imperative that all staff within the facilities be cognizant of staff and youth activity.

Recommendation: In order to ensure camera functions are reliable, continue the system of preventative maintenance for the camera system. This would include testing, operation and positioning of the cameras, development of written findings, and documenting repairs.

Recommendation: Facility leadership (Superintendents and Assistant Superintendents) and the OIG all have the capacity to remotely view video footage from their homes. Though this allows for critical footage to be reviewed in a timely manner, clear guidelines must be developed to prevent unintended viewing by unauthorized persons.

Keyless Security Systems (Youth Safety, Staff Support, Facility Improvements, Accountability)

Observations: The secure facilities of TYC are transitioning to keyless security system in all areas. This practice contributes to the sexual safety of youth by limiting the number of keys held by staff, thereby decreasing the number of areas they are able to access.

According to current implementation, all of the doors are monitored by one person in the control center. In dormitories where this system is already in place, it seems to work well when the youth are not in the dorms; during more active times, however, this practice could lead to some operational challenges that would be difficult for one person to effectively address. For example, the control center officer might be required to release a door without being able to see the monitor at the time of the release. This, in turn, could result in a few second delay in response should a youth quickly exit his room and get into a physical altercation or sexual interaction with another youth or staff. Additionally, the bubble officer is tasked with such a myriad of tasks and responsibilities (unlocking doors, monitoring the

cameras, writing all activities down in the log, et cetera) that it is challenging for one person to effectively accomplish all the duties with which they are charged.

Recommendation: Conduct a review to determine how the keyless security system can be fully implemented safely and securely, including a clearly-defined process for releasing the control center staff from the bubble in the event of an emergency.

Vehicles within Perimeters (Youth Safety, Staff Support, Accountability)

Observations: Though consistent with agency policy, vans and maintenance vehicles are present within the secure perimeter of many facilities. Staff is very conscientious about maintaining control of vehicle keys at all times.

Vehicles may have been cleared through the sally port, but the presence of these vehicles could create security concerns. Though consultants are not aware of this occurring in the juvenile arena, incidents have occurred within the adult system where staff sexually involved with inmates provided vehicles for escape. TYC is in the process of reducing the number of vehicles on facility grounds, promoting the use of alternate means of transportation (e.g., golf carts, Cushman scooters, et cetera).

Recommendation: Continue the review of on-grounds transportation. Wherever possible, the use of vehicles within the secure perimeter should be reduced or eliminated. TYC should continue efforts to provide alternate means of transportation for personnel whose job tasks require it.

I) HALFWAY HOUSE OPERATIONS (All Areas of Reform)

Observations: TYC is committed to providing services to youth as they prepare for reentry into the community. Through a halfway house system, youth are assigned to small community-based facilities that provide opportunities for programming, community service, and limited mental health care. The mission and the programming for halfway houses create an opportunity for staff to work with youth in a smaller environment and to assist youth with their transition while providing monitoring and support. These houses are also used for youth for whom the small setting would be most appropriate (e.g., those who become homeless while on parole or those who are charged with less serious crimes). The safety of halfway houses in TYC is strengthened by the low staff to youth ratio and the close supervision of the youth. Youth in halfway houses have access to similar reporting systems as the secure facilities. Grievances are generally low due to the opportunities to immediately resolve issues with staff.

Youth and staff at TYC halfway houses reported feeling sexually safe. Safe Housing protocols are closely adhered to by staff, with the most vulnerable youth assigned to the bedrooms closest to the JCO desk. Camera placement provides broad coverage throughout common and isolated areas, with the exception of bedrooms and bathrooms. Staff regularly monitor these areas. There is a greater sense of community at the halfway houses, with staff-youth relationships encouraging discussion of sensitive issues. These characteristics are consistent with the principles of the Missouri Approach and successful community-based programs, models that TYC leadership is interested in strengthening in halfway houses.

The consultants had the opportunity to observe halfway house operations and to appreciate their unique role in the successful return of youth to the community. As sexual safety is connected to a number of operational and cultural conditions, The Moss Group review of halfway houses took all of these areas into consideration. A number of consistent themes emerged, including:

- Youth Idleness – The primary complaint of youth was that they were “bored.” Given the mission of these facilities, there was a general lack of programming and work/community service opportunities in many of the halfway houses. Items of note: (1) during our early assessments, there were more restrictive policies on off-campus activities than are currently in place and (2) most of our assessments were done during the summer when many youth were not in school.
- Investigations and Youth Grievances – Youth were very positive about the grievance process in halfway houses, expressing confidence that low-level issues would be handled on-site by staff and administration, and higher-level issues would be addressed by OIG investigations and/or the formal grievance system.
- Mental Health Services – There appear to be inconsistent services with mental health issues. As stated earlier in the report, greater monitoring of mental health services and support as youth are preparing for re-entry should be strongly considered.
- Staff Comfort in Addressing Medical and Mental Health Needs of Youth - As youth at the halfway houses represent a broad continuum of treatment needs, some staff indicate a lack of preparedness to meet this need. A response to address staff’s concerns is recommended.
- Medical Services – Some staff reported a lack of comfort in the expectations in their roles related to medical. This includes supporting telemedicine and distribution of medication.
- Successful Reentry - In addition to the issues that secure facilities face in creating sexual safety, the halfway houses have an additional responsibility to ensure the successful reintegration of youth with specialized treatment needs (e.g., youth with substance abuse/chemical dependency issues, histories of sexual offenses, and aggressive behavior patterns).

Recommendation: TYC should continue to focus on best practices (such as the Missouri Approach) in enhancing the mission of halfway houses. Programs and treatment initiatives should support the active involvement of staff and youth in optimizing the opportunities the halfway house settings offer for reentry. TYC should ensure that the amount of time a youth is in a halfway house is sufficient to meet the programmatic goals of engaging in community service and securing steady employment.

Recommendation: In order to further support effective investigations processes, investigators should have trauma-informed training focusing on investigations of sexual abuse with youth.

Recommendation: Human Services Specialists should be provided with additional training in addressing the medical and mental health needs of the youth, particularly skill-based training (e.g., how to recognize signs of de-compensation, importance of taking medication as prescribed, medication side effects). They should also be provided with the support and supervision necessary to meet the demands of their specialized positions.

Recommendation: Similarly, all staff should be provided with additional training in recognizing indicators of mental health risk.

Recommendation: Case managers and JCO staff need additional training in group facilitation, which is trauma informed and consistent with the implementation of the CoNEXTions[®] program.

Recommendation: Continue to encourage family involvement with youth by promoting family-centered events and securing funds to assist families who need to travel to visit their children. This creates an additional avenue for reporting and involves the family as a partner in ensuring the safety of the youth.

Recommendation: Given the unique and important role of the halfway house strategy to TYC, consideration should be given to an agency-level management structure that supports Superintendents in their mission.

Agency Update: TYC recently hired an experienced community corrections professional who will assist the agency in shaping the direction of halfway houses and their important role in reentry. Three Associate Psychologists have been hired and will be assigned to halfway houses. This will allow for an increase in alcohol and other drug treatment, aftercare, and relapse prevention. Also, TYC is increasing opportunities to offer Aggression Replacement Therapy (ART) in the halfway house settings. This will enable youth from secure facilities to have continuity of treatment as they step down into the halfway house setting.

J) CENTRAL OFFICE, REGIONAL OFFICE, AND FACILITY COORDINATION

Central Office Leadership (All Areas of Reform)

Observations: Every level of leadership is responsible for the successful implementation of reforms and for ensuring all strategies for increasing the sexual safety of youth are managed with appropriate oversight. Each level of TYC leadership recognizes the importance of successfully implementing these reforms and of monitoring the associated expectations. The consultants spent considerable time learning the processes and communication patterns throughout the chain of command in the organization. It is the experience of the consultants that monitoring a zero tolerance policy for sexual abuse requires ongoing alertness and diligence in reviewing documents, practicing open communication among all levels of leadership, and acting quickly to address misconduct. Agencies, including TYC, who have missed critical information related to allegations of sexual abuse, have, in retrospect, often learned that this was a consequence of communication failure within the chain of command, which resulted in critical information not being shared. TYC leadership has been rebuilding trust and transparency within the chain of command as well as building structures to ensure accountability.

Executive Director Cherie Townsend and her immediate executive team are often on-site visiting facilities and seeking input from staff and youth. Staff Engagement Surveys have provided facility specific feedback to central office, including ways to improve communication and credibility.

Throughout the assessment period, consultants heard hopeful comments from all levels of staff about the direction of the agency. Staff are reluctant to fully trust that there will be continuity of executive leadership, but are quick to identify the importance of this to the agency. Over the course of the

assessment, interviews and focus groups with staff contributed to staff optimism that there is growing stability in agency leadership and that this leadership is listening to the “field.”

During the course of the exit interviews with facility leadership, Mr. James Smith, Director of Youth Services, and the regional administrators fully participated in responding to and working to solve any concerns raised by The Moss Group team and facility administrators. Their commitment to being on-site throughout the state at each facility demonstrated a consistent, positive message that executive leadership is fully engaged in all aspects of reform, especially sexual safety.

Recommendation: Strategies to increase communication between central office administrators and the regional office, Superintendents and the facility managers of functional areas should remain a high priority. With important reform and rebuilding initiatives ongoing, staff need to be confident that the initiatives are connected and that there is an agency vision that considers the challenges of implementing change in the field. More frequent visits to the field by functional area administrators, periodic teleconferences and subject matter training session/meetings are all critical strategies.

Recommendation: Leaders on every level at TYC should increase efforts to effectively communicate up and down the chain of command, strengthening the relationships between central office and field operations.

Regional Leadership (All Areas of Reform)

Observations: To enhance the implementation of best practices and the reform efforts of the agency, TYC has developed a management structure incorporating a model of regionalization for staff. This results in a matrix management model which includes a variety of supervisory structures, such as:

- Educational Principal reports to Superintendent of Education (Austin)
- Business Office/Human Resources report to Regional Office

The Moss Group, Inc. supports and commends the agency for implementing a regional model; this strong infrastructure increases accountability and aids in sustaining reform efforts. The regional office structure is still a relatively young concept for use in the managing of day-to-day operations with Superintendents and the communication of critical information across functional areas throughout the chain of command. All Superintendents believe regional leadership to be responsive and committed to assisting Superintendents in meeting the mission of the agency. However, all levels of leadership acknowledged that strengthening the communication and clarifying roles within the operational chain of command is a necessary step to fully realize the vision of a cohesive management structure.

Recommendation: Strengthen the formal structure of the regional office within the operational chain of command by reviewing the role of regional staff and the expectations of the regional administrator’s role within the organization. Assess communication practices between central office administrators and regional administrators, as well as that between regional administrators and Superintendents.

Recommendation: It is recommended that the regional office infrastructure continue to be strengthened and clarified in order to provide guidance to facility leadership and to communicate the goals of central office administration, consistent with the mission of the agency. Regional administrators should continue to provide guidance and increased communication with all functional areas.

Recommendation: To assist facility leadership in maintaining sexually safe environments for youth, the regional leadership should continue to:

- actively participate in reviewing the implementation of the CoNEXTions[®] incentives and accountability practices;
- guide Superintendents in the best use of available data to recognize trends in youth behavior, patterns in grievances, and incident reports;
- increase communication across critical areas responsible for specialized programming (medical and mental health); and
- advocate for targeted team building and supervisory development for facility managers.

Facility Leadership (All Areas of Reform)

Observations: All Superintendents and facility management teams have a clear understanding of their roles in the prevention, detection and response to sexual abuse. All Superintendents expect their staff to report all forms of abuse, including sexual abuse, and to participate in preventing sexual abuse through recognizing vulnerable youth, managing potential violence, and encouraging youth to be productively involved in the CoNEXTions[®] program, education, and the activities available on their various campuses. Facility leadership, the Superintendents and their management teams vary in their level of leadership experience. Many Superintendents were assigned to their positions within the last three years. The Superintendents represent a range of experience and tenure with the agency. The consultants witnessed an impressive level of commitment within the facility management structures. All Superintendents are knowledgeable about the agency's zero tolerance strategies and mandates.

Facility management teams are critical to the coordination of day to day operations and success of the agency's reform efforts. Even when managers strive to collaborate, staff changes (including leadership changes) and the implementation of multiple strategies have impacted their success in effectively coordinating with one another.

Recommendation: Facility administrators should increase opportunities for cross-functional communication through workgroups, problem solving, management meetings and other activities conducive to productive collaboration.

Recommendation: The consultants recommend team building and leadership development opportunities for facility management teams. TYC is still shifting from a "fear based" environment where staff wonder if their jobs are stable and if the political environment is safe for the agency to continue progressing. This is a "tipping point" moment for the next stage of success in the reform and rebuilding of the agency. The Moss Group has concluded that all TYC facilities have measures in place to address sexual safety of youth. The management tools are in place, but it will be the ability of facility leadership to convey and manage the cultural norms that will ultimately determine if the culture of the facility has safety at the core of daily operations. A cohesive and knowledgeable facility management team will be the insurance for continued sexual safety of a given facility.

K) DATA COLLECTION AND IMPLEMENTATION OF NATIONAL STANDARDS AND INITIATIVES

National Standards (All Areas of Reform)

Observations: TYC has committed to the process of accreditation from the American Correctional Association (ACA) and is actively participating in the *Performance-based Standards (PbS) for Youth Correction and Detention Facilities* as well as *Community-based Standards (CbS) for community-based residential programs*. Both sets of standards include or plan to include items focused on sexual safety and compliance with the Prison Rape Elimination Act.

PbS and CbS are systems for agencies and facilities to identify, monitor, and improve conditions and treatment services provided to youth involved in the juvenile justice system using national standards and outcome measures. PbS is currently used by TYC as the means to measure and track overall facility performance on a monthly basis, whereas ACA accreditation audits are performed on an annual basis. ACA accreditation of all TYC secure facilities is required by Senate Bill 103.

Recommendation: Compliance with these standards (PbS, CbS, and ACA) is a significant and comprehensive accomplishment. In addition to complying with the sexual safety items in these national standards, staff should stay alert to indicators in the environment that would not present themselves in these models.

Data Collection (All Areas of Reform)

Observations: Over the last three years TYC has implemented an impressive amount of data collection strategies to measure progress in core areas of practice, including data elements that assist Superintendents, the regional office and central office in analyzing trends of youth behavior and reported incidents of sexual activity/abuse.

TYC has a number of different sources of data that could provide information regarding sexual safety including audit results, incident reports, 225's, Red Zone Reports, exit interviews with youth, OIG or SPU reports, et cetera. The vast amount of data collected every day at TYC is both remarkable and extremely valuable in analyzing and understanding trends. Many of these data collection systems are 'stand alone' systems in that they are built within different databases that do not 'talk' to each other. It is difficult to determine how Superintendents and others aggregate all the data in a usable format. In discussions with facility staff, managers, and supervisors, it appeared that there were limitations in producing user-friendly reports which can provide information cohesively for making administrative and clinical decisions to enhance staff and youth sexual safety. Consultants understand that improvements to an integrated data system are under development.

Recommendation: TYC should continue collecting sexual safety data and develop a process for ensuring data collection and aggregation from all relevant sources. Whenever possible, standardized definitions should be consistent with the Bureau of Justice Statistics definitions and Texas state laws. This will allow for a simplified reporting system.

Recommendation: TYC should ensure that managers and supervisors – both at the Central Office and facility levels – receive training on the most effective use of sexual safety data to inform management decisions.

National Initiatives (All Areas of Reform)

Observations: TYC has pursued national initiatives representing best practice in juvenile justice. Examples include:

- Partnering with the MacArthur Foundation under the mental health/juvenile justice action network to develop a training package for clinical staff and case managers utilizing motivational interviewing principles.
- Securing a grant from the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention, providing for the “Gang Intervention Team: Re-Entry Development for Youth (GitRedy)” program.
- Considering principles of the Missouri Approach for piloting in the halfway houses.
- Visiting a program on site in Pennsylvania where juvenile practitioners have implemented promising youth gang intervention strategies, including the use of Gang Peace Treaties.
- Adopting PBIS in TYC-operated education programs.

These efforts represent additional examples of TYC’s progress and commitment to best practice.

V. CONCLUSION

The Moss Group, Inc. team of consultants believes that the reform efforts of Senate Bill 103 have substantially increased the safety of the youth under the care of the Texas Youth Commission. After an extensive review of written documentation, on-site assessments of practice, and interviews of staff, youth and agency stakeholders, we have documented our observations and recommendations. The facility cultures are environments that encourage and require the reporting of all forms of sexual abuse. The detection and response strategies addressing sexual safety are embedded in the facility culture, (including multiple reporting mechanisms, hotline, Multi-Disciplinary Teams, investigative processes, and data collection, among others). The prevention strategies, such as Safe Housing plans, staff training, youth and family orientation, initial risk/need assessments, video monitoring, background checks of employees, and programming – both general and specialized – combine to effectively protect and prepare youth to be free from sexual abuse in TYC facilities. As highlighted in the recommendations, some strategies of the reform efforts were critical in the early stages of reestablishing trust in the agency. Based on data and experience, some modifications of the reform efforts have been recommended.

In all areas of consultant recommendations, the TYC executive and senior leadership - central office, regional administrators, and facility administrators - demonstrated a willingness to listen, to be responsive, and to participate in productive conversations, and welcomed diversity of thought and perspectives.

Staff and youth both reported that they were generally supportive of the reform efforts undertaken by the agency, and felt that TYC was moving forward and rebuilding confidence among stakeholders. The specific reforms that facility staff and youth identified as being the most significant in their impact were:

- implementation of a hotline for reporting abuse;
- creation of an Office of Inspector General;
- installation of an extensive video monitoring system (cameras);
- the Safe Housing Program;
- increased training efforts; and
- the appointment of an experienced juvenile leader as the TYC Executive Director.

The impact of the reform efforts that staff report to be less useful are:

- their limited capacity to hold youth accountable for inappropriate behavior;
- their inability to demote youth in their “stages” even if they do not meet the criteria for the level of privilege under the CoNEXTions[®] model;
- the belief that youth can “get by” with making false allegations against staff claiming staff sexual misconduct;
- the centralizing of recruitment and hiring of staff;
- the volume and rapidity of change efforts; and

- the increase in paperwork required to manage these initiatives.

The impact of the reform efforts that youth reported to be less useful are:

- the difficulty some youth felt in meeting the criteria for stages;
- the incentives that did not hold real interest;
- the perception that peers received incentives when they are not earned;
- the staff 's discomfort with managing behavior of some youth; and
- the lack of programming and activities in some facilities.

Opportunities for TYC to continue increasing sexual safety are detailed in the recommendations of this report. Major themes include:

- increasing prevention measures working with special populations;
- increasing specialized training for topical areas such as group facilitation skills, trauma informed practices, gender specific practices;
- integration of CoNEXTions[®] with daily operations - particularly in dorm settings – to include cross gender supervision and supervisory leadership training;
- strengthening the cultures within facilities through team building, leadership development and continuing to build confidence in the direction of the agency;
- increasing the capacity of investigators to perform trauma informed, youth specific investigations; and
- assessing several reform strategies to evaluate modification of practice as outlined in report.

The Moss Group, Inc. team recommends that TYC leadership continue their important role in the national conversation as the implementation of the Prison Rape Elimination Act becomes a reality over the next calendar year. TYC has a unique experience in the implementation of strategies to address sexual abuse in juvenile settings and should continue to document success through evidence based practices. This will ensure that TYC continues to implement, sustain, and develop best practices in addressing sexual abuse.

Our team acknowledges and thanks all of the staff, youth, and TYC stakeholders with whom we spoke or who prepared the extensive documents for our review. Their contributions to this work were extraordinary. Our team had open access to all facilities, to documents requested, and to all levels of leadership as we conducted our work. Finally, we thank the Texas Youth Commission Board and Executive Director Cheryl Townsend for the opportunity to work extensively in the TYC system to conduct a comprehensive and systemic sexual safety assessment.

VI. Appendices

Appendix A: Six Domains of Agency Reform

YOUTH SAFETY	
Youth Entry	
	<ul style="list-style-type: none"> • Youth and Family Orientation Process • Safe Housing
Youth Programming	
	<ul style="list-style-type: none"> • CoNEXTions[®] • Other Youth Programming
Gender Responsive Planning	
	<ul style="list-style-type: none"> • Gender Responsive Planning • Cross Gender Supervision
Mental Health Services	
	<ul style="list-style-type: none"> • PREA and Trauma-Informed Training • Facility Team Coordination and Cohesion • Individualized Treatment Plan Development • Suicide Prevention and Treatment
Facility Culture	
	<ul style="list-style-type: none"> • Youth Culture: Gang Activity • Youth Culture: Youth Sexualized Behavior • Youth Culture: Reporting Sexual Abuse • Staff Culture: Influencing Factors, Cultural Norms and Sexual Safety
Staffing Issues	
	<ul style="list-style-type: none"> • Staff Scheduling • Staffing Responsibilities • Staff Recruitment • Staff Rotation • Background Checks • Staff Referrals to OIG • Staff Training on PREA • Staff Training
Reporting, Investigations and Prosecutions	
	<ul style="list-style-type: none"> • Reporting: Grievances, Timeliness and Thoroughness of Responses • Reporting: Grievances, Coordination with the IRC • Reporting: Hotline • Investigations: Training and Process • Investigations: Findings • Investigations: Timeliness • Investigations: Communications • Investigations: After Action Reviews • Prosecution Efforts

Physical Plant
<ul style="list-style-type: none">• Use of Cameras
<ul style="list-style-type: none">• Keyless Security Systems
<ul style="list-style-type: none">• Vehicles within Perimeters
Halfway House Operations
<ul style="list-style-type: none">• Halfway House Operations
Central Office, Regional Office and Facility Coordination
<ul style="list-style-type: none">• Central Office Leadership
<ul style="list-style-type: none">• Regional Leadership
<ul style="list-style-type: none">• Facility Leadership
Data Collection and Implementation of National Standards and Initiatives
<ul style="list-style-type: none">• National Standards
<ul style="list-style-type: none">• Data Collection
<ul style="list-style-type: none">• National Initiatives

YOUTH SERVICES

Youth Programming

- CoNEXTions[®]
- Other Youth Programming

Gender Responsive Planning

- Gender Responsive Planning
- Cross Gender Supervision

Mental Health Services

- Facility Team Coordination and Cohesion
- Individualized Treatment Plan Development
- Suicide Prevention and Treatment

Facility Culture

- Youth Culture: Gang Activity
- Youth Culture: Youth Sexualized Behavior
- Youth Culture: Reporting Sexual Abuse
- Staff Culture: Influencing Factors, Cultural Norms and Sexual Safety

Staffing Issues

- Staffing Responsibilities
- Staff Recruitment
- Staff Rotation
- Background Checks
- Staff Training on PREA
- Staff Training

Reporting, Investigations and Prosecutions

- Reporting: Grievances, Coordination with the IRC
- Reporting: Hotline
- Investigations: Training and Process
- Investigations: Findings
- Investigations: Timeliness
- Investigations: Communications
- Investigations: After Action Reviews

Physical Plant

- Use of Cameras

Halfway House Operations

- Halfway House Operations

Central Office, Regional Office and Facility Coordination

- Central Office Leadership
- Regional Leadership
- Facility Leadership
- National Standards

Data Collection and Implementation of National Standards and Initiatives

- Data Collection
- National Initiatives

STAFF SUPPORT

Youth Programming

- CoNEXTions[®]
- Other Youth Programming

Gender Responsive Planning

- Gender Responsive Planning
- Cross Gender Supervision

Mental Health Services

- PREA and Trauma-Informed Training
- Facility Team Coordination and Cohesion
- Individualized Treatment Plan Development
- Suicide Prevention and Treatment

Facility Culture

- Youth Culture: Gang Activity
- Youth Culture: Youth Sexualized Behavior
- Youth Culture: Reporting Sexual Abuse
- Staff Culture: Influencing Factors, Cultural Norms and Sexual Safety

Staffing Issues

- Staff Scheduling
- Staffing Responsibilities
- Staff Recruitment
- Staff Rotation
- Staff Referrals to OIG
- Staff Training on PREA
- Staff Training

Reporting, Investigations and Prosecutions

- Reporting: Grievances, Timeliness and Thoroughness of Responses
- Reporting: Hotline
- Investigations: Training and Process
- Investigations: Use of Miranda and Garrity Warnings
- Investigations: Findings
- Investigations: Timeliness
- Investigations: Communications
- Investigations: After Action Reviews
- Prosecution Efforts

Physical Plant

- Use of Cameras
- Keyless Security Systems
- Vehicles within Perimeters

Halfway House Operations

- Halfway House Operations

Central Office, Regional Office and Facility Coordination
• Central Office Leadership
• Regional Leadership
• Facility Leadership
• National Standards
Data Collection and Implementation of National Standards and Initiatives
• Data Collection
• National Initiatives

FACILITY IMPROVEMENTS	
Gender Responsive Planning	<ul style="list-style-type: none"> • Gender Responsive Planning
Mental Health Services	<ul style="list-style-type: none"> • Facility Team Coordination and Cohesion • Individualized Treatment Plan Development
Physical Plant	<ul style="list-style-type: none"> • Use of Cameras • Keyless Security Systems
Halfway House Operations	<ul style="list-style-type: none"> • Halfway House Operations
Central Office, Regional Office and Facility Coordination	<ul style="list-style-type: none"> • Central Office Leadership • Regional Leadership • Facility Leadership • National Standards
Data Collection and Implementation of National Standards and Initiatives	<ul style="list-style-type: none"> • Data Collection • National Initiatives

COLLABORATION AND TRANSPARENCY

Youth Entry
<ul style="list-style-type: none">• Youth and Family Orientation Process
Gender Responsive Planning
<ul style="list-style-type: none">• Gender Responsive Planning
Mental Health Services
<ul style="list-style-type: none">• Facility Team Coordination and Cohesion• Individualized Treatment Plan Development
Staffing Issues
<ul style="list-style-type: none">• Background Checks
Reporting, Investigations and Prosecutions
<ul style="list-style-type: none">• Reporting: Grievances, Timeliness and Thoroughness of Responses• Reporting: Grievances, Coordination with the IRC• Reporting: Hotline• Investigations: Training and Process• Investigations: Use of Miranda and Garrity Warnings• Investigations: Findings• Investigations: Timeliness• Investigations: Communications• Prosecution Efforts
Physical Plant
<ul style="list-style-type: none">• Use of Cameras
Halfway House Operations
<ul style="list-style-type: none">• Halfway House Operations
Central Office, Regional Office and Facility Coordination
<ul style="list-style-type: none">• Central Office Leadership• Regional Leadership• Facility Leadership• National Standards
Data Collection and Implementation of National Standards and Initiatives
<ul style="list-style-type: none">• Data Collection• National Initiatives

ACCOUNTABILITY

Youth Entry

- Safe Housing

Gender Responsive Planning

- Gender Responsive Planning

Mental Health Services

- Facility Team Coordination and Cohesion
- Individualized Treatment Plan Development
- Oversight and Quality Assurance

Staffing Issues

- Staffing Responsibilities
- Background Checks
- Staff Training

Reporting, Investigations and Prosecutions

- Reporting: Grievances, Timeliness and Thoroughness of Responses
- Reporting: Grievances, Coordination with the IRC
- Reporting: Hotline
- Investigations: Training and Process
- Investigations: Use of Miranda and Garrity Warnings
- Investigations: Findings
- Investigations: Timeliness
- Investigations: Communications
- Investigations: After Action Reviews
- Prosecution Efforts

Physical Plant

- Use of Cameras
- Keyless Security Systems
- Vehicles within Perimeters

Halfway House Operations

- Halfway House Operations

Central Office, Regional Office and Facility Coordination

- Central Office Leadership
- Regional Leadership
- Facility Leadership
- National Standards

Data Collection and Implementation of National Standards and Initiatives

- Data Collection
- National Initiatives

Appendix B: Consultant Biographical Sketches

Caleb Asbridge

Caleb S. Asbridge is the Assistant Director of Program Services for the Kentucky Department of Juvenile Justice. Immediately prior to this assignment he was assigned to the Quality Assurance Branch as a Regional Accreditation Manager. He served as the Superintendent of the Warren Regional Juvenile Detention Center in Bowling Green, Kentucky from 2004 to 2007.

Mr. Asbridge began his career working with juvenile sex offenders in a private residential setting. He has also worked in mental health and recreational therapy for juveniles and children. Following this, he supervised eight alternative schools throughout Kentucky. He began working for the Department of Juvenile Justice at the Warren Regional Juvenile Detention Center in 2001, when the center opened. He was selected as the Superintendent of the Year in 2005. In 2008, Mr. Asbridge received the Juvenile Justice Award from the Kentucky Council on Crime and Delinquency.

Mr. Asbridge received his Bachelor's degree from Western Kentucky University in Government, Economics, and Philosophy. He also holds a Master's Degree in Public Administration from Western Kentucky University.

Mr. Asbridge has also served as an ACA auditor since 2003 and has worked with the National Institute of Corrections, The Moss Group, and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as a consultant, mainly providing technical assistance and training on the Prison Rape Elimination Act. Mr. Asbridge has also presented at a number of national conferences, including the National Symposium on Juvenile Services, the OJJDP annual conference, and the Correctional Accreditation Manager's Association (CAMA) annual meeting. In 2010, he was elected to the CAMA Board of Directors as the Mid-Atlantic Region Representative. Mr. Asbridge was featured in the June 2010 issue of Corrections Today magazine, which is their "Best in the Business" issue, and is the author of "Sexual Assault in Juvenile Corrections: A Preventable Tragedy", which appeared in the October 2007 issue of the magazine. ***(Mr. Asbridge's areas of focus were programming, operations, and management; he participated at assessments at McLennan County State Juvenile Correctional Facility - Unit I and II, Al Price State Juvenile Correctional Facility, and Crockett State School.)***

Jim Dennis

Jim Dennis is the Executive Director of the Corrections Center of Northwest Ohio. He graduated from Heidelberg College with a B.A. in Education. He worked in Ohio mental health prior to moving to Oklahoma. He held various positions in the Oklahoma Department of Corrections which included: Case Manager, Trainer, Superintendent of a Work Release Center, Deputy Warden at the Oklahoma State Reformatory and Warden at the William S. Key Correctional Center in Ft. Supply, Oklahoma. He returned home to Ohio and assumed his duties at the Corrections Center of Northwest Ohio (CCNO). CCNO provides detention services to five separate counties and the City of Toledo. CCNO is a 642-bed regional jail with housing at maximum, medium, minimum and community (work release and community service) security. In addition, CCNO staff supervises approximately 120 offenders a day on electronic monitoring and GPS. Jim speaks on corrections, security, implementing regional jails, threat groups, mental health in

corrections, gangs, PREA, sexual misconduct and emergency preparedness. ***(Mr. Dennis' key area of focus was security operations; he participated in the Gainesville State School assessment.)***

James F. DeGroot

Dr. DeGroot earned his B.A. from Cardinal Stritch University, his M.A. from Antioch University, and his Ph.D. from Catholic University of America, in Developmental Child Psychology. He did postdoctoral study at Wright State University in 1983-1984 in Clinical Child Psychology. In 1986 he was licensed by the Georgia Board of Psychology Examiners.

While in the U.S. Army, he had faculty appointments in the Child Psychiatry Fellowship Programs at Letterman Army Medical Center and Eisenhower Army Medical Center, and subsequently at the Medical College of Georgia. He was also the Director of the Child Psychology Internship rotation at Eisenhower from 1985 to 1987 and at the Medical College of Georgia from 1987 to 1990.

From 1988 to the present, Dr. DeGroot has maintained a private practice in Augusta, GA; St. Simons, GA; and Atlanta, GA. From 1990 to 1994, Dr. DeGroot worked in his private practice as a psychology consultant at the Brunswick Job Corps Center and for three school systems (Glynn, Camden, and Mac Intosh), evaluating students for special education services. For the past two years, he has again been evaluating children for special education services in the Atlanta Public School System. Throughout most of his years in private practice, he has testified as a friend of the court for child criminal cases, child custody cases, and termination of parental rights cases. For six years, from 1988 to 1994 he worked as a psychology consultant at Georgia's maximum security prison. For twelve years, from 1998 to the present, he worked as a psychology consultant for Georgia's Department of Juvenile Justice, developing programs and supervising staff while under a MOU with DOJ. For eight years, from 2002 to the present he worked as a psychology consultant for the Georgia Department of Labor, evaluating juveniles and adults for SSI benefits. During that time period, he has also testified as an expert witness in a number of jail and prison civil rights cases in WY, GA, FL, and NJ.

Dr. DeGroot has been the Director of Mental Health for Georgia's Department of Corrections for 16 years. He was the point person in updating and implementing Georgia's Correctional Mental Health policies and procedures during civil rights class action lawsuits from 1994-1998 and 2002-2004. In addition to focusing on the delivery of mental health care within Georgia's prisons, he has also been involved in a number of initiatives to lower the incarceration rate of mental health consumers and enhance re-entry programs. For example, he worked with the Hall County Mental Health Court Diversion Program which has reduced probation revocations. He has also worked with the Department of Corrections and the Department of Behavioral Health in developing and monitoring a mental health re-entry program which has reduced the rate of recidivism for the seriously mentally ill. Dr. DeGroot is also a member of a number of Boards / Committees that are working to reduce recidivism and facilitate re-entry. Additionally, he continues to be a guest lecturer at a number of universities and is a member of Georgia State University's Institutional Review Board. ***(Dr. DeGroot's specialty area is mental health services and he participated in the Al Price State Juvenile Correctional Facility and Crockett State School assessments.)***

Robert W. Dumond

Robert W. Dumond, LCMHC, CCMHC, Diplomate CFC is a board certified clinical mental health counselor licensed in the Commonwealth of Massachusetts [LMHC #1090] and in the State of New Hampshire. He is also a *Diplomate of Clinical Forensic Counseling* [American College of Certified Forensic Counselors #F20221] who has served in a number of criminal justice venues since 1970, serving adult and juvenile crime victims and offenders. He has served as a clinician, administrator, victim advocate, researcher, educator, policy maker, and national consultant in local, state and federal agencies, both public and private, most notably as *Regional Director* – The Key Program, Inc. [1974-1979], *Director - Victim/Witness Assistance* with the Essex County (MA) District Attorney's Office [1979-1987] and as *Psychologist III/Mental Health Administrator* [1987-1995] and most recently as *Director – Research & Planning Division* [2005-2006] within the Massachusetts Department of Correction. He currently serves as *President* and *Senior Consultant* of his own firm, Consultants for Improved Human Services, PLLC, where he provides consultation to a number of federal agencies [National Prison Rape Elimination Commission, National Institute of Justice, US Department of Justice, Bureau of Justice Statistics, and Centers for Disease Control & Prevention] and training to correctional agencies nationally through NIC/The Moss Group, Inc. He is also conducting an evaluation of a prisoner sexual violence project in CDCR for the Mertz Gilmore Foundation, New York.

Since the mid-1980s, Dumond has been involved in examining the issue of prisoner sexual violence, having extensively researched, written and presented on the issue of prisoner sexual assault in a number of venues. He has authored numerous journal articles and chapters on issues related to mental health, criminal justice and victimization. He has served on the faculty of Franklin Pierce College, Division of Professional and Graduate Studies & Continuing Education, and the Division of Staff Development with the Massachusetts Department of Correction. He has also been a certified rape investigator in the Commonwealth of Massachusetts since 1982. He has received awards for his teaching, his extensive community involvement and his service with the Massachusetts Department of Correction.

In the legal arena, he has been qualified as an expert witness and provided testimony in a number of jurisdictions of the U.S. District Court and in several state courts. Active in public policy issues, he testified before the President's Task Force on Victims of Crime (1982) and was invited to the U.S. Attorney General's National Symposium on Child Molestation (1984). As a member of the Prison Rape Task Force, he contributed language to the *Prison Rape Elimination Act of 2003* (P.L. 108-79), and testified on its behalf before the United States Senate, Committee on the Judiciary in July 2002. He provided testimony on the impact of prisoner sexual violence at the first public hearing of the National Prison Rape Elimination Commission in Washington, D.C. in June 2005, and recently testified before the first public hearing of the United States Attorney General's Review Panel on Prison Rape in November 2006 at the California State Prison in Folsom, in Represa, California. He was one of the principal authors of the national healthcare standards regarding prisoner sexual violence to be proposed by the National Prison Rape Elimination Commission, and has contributed significantly to several chapters of the final report being developed by the Commission as part of its statutory obligations per P.L. 108-79, the Prison Rape Elimination Act. In 2008, he provided consultation and training to the South African Department of Correctional Services in Capetown, Johannesburg and Pretoria, South Africa. ***(Mr. Dumond's specialty areas included mental health and research; he participated in the Corsicana Residential Treatment Center and Schaeffer House assessments.)***

David Marcial

David Marcial is currently an independent criminal justice consultant. He has worked as a Senior Associate with the Criminal Justice Institute, Inc. (CJI) and the Association of State Correctional Administrators (ASCA) of Middletown, Connecticut. Mr. Marcial has been involved with a variety of collaborative initiatives between CJI and ASCA and the Bureau of Justice Assistance (BJA). One of the projects he is overseeing involved developing a national clearinghouse of grant and policy-related information in order to provide a sole source of information for correctional jurisdictions. He also actively contributes to an initiative that is focusing on the implementation of national performance standards for the field of corrections, enabling all states and major metropolitan agencies to compare and contrast correctional performance data utilizing standardized definitions, variables, and criteria.

In his role as a national consultant, Mr. Marcial has worked with the National Institute of Corrections as a subject matter expert in the areas of operational practices and gender-responsive programming in women's prisons, as well as in policy review and development, security auditing, Management of High Risk Offenders and staff training. He has been a technical assistance provider for the national Prisoner Rape and Elimination Act (PREA)-related initiatives, and has served as a security and policy consultant for juvenile justice services at the Connecticut Juvenile Training School.

Mr. Marcial has an extensive background in correctional operations and management, having worked in a variety of positions for the Connecticut Department of Correction over his twenty-six year career. He retired from the department in 2003, after having served as a warden for eleven years where he implemented and augmented facility programs related to relapse prevention, sex offenders, victim empathy, and parenting/fatherhood.

Beginning his career in 1974, Mr. Marcial worked with both male and female pre-trial detainees with identified mental health issues, pending competency evaluations. He later worked for the Connecticut Department of Correction, holding the positions of Correctional Officer, Lieutenant, Captain, and Major, as well as prominent roles with investigations (internal affairs) and developing gang intervention initiatives. He served as a Regional Director for the state, overseeing the operation of six correctional facilities and supervising the expansion of one of the state's female facilities. He oversaw the opening and activation of two correctional institutions: a women's facility and a large male pretrial facility.

Relating to PREA, Mr. Marcial has trained correctional staff and administrators on issues of sexual misconduct. During his time as department investigator and as Chief of Security at the state's women's prison – coupled with his years as a warden - Mr. Marcial has had a great deal of experience investigating and resolving instances and allegations of sexual misconduct.

Mr. Marcial has considerable knowledge and experience in organizational culture assessment, having participated in numerous organizational culture assessments in jails and prisons. He has trained in the application of the assessment Protocols and has successfully applied assessment protocols in a variety of correctional settings. He has worked with institutional staff and leadership to develop and support successful organizational change strategies.

Mr. Marcial is a member of the American Correctional Association. He is a Past President of the Board of Directors for Centro de la Comunidad, a Hispanic/Latino social service agency in New London, Connecticut, and served on the Board of the Connecticut Hispanic Association of State Employees (CHASE). Mr. Marcial previously served on the Board of Directors for the Middle Atlantic States

Correctional Association (MASCA) and is a past member of the North American Association of Wardens and Superintendents. He holds an Associate of Science degree in Criminal Justice and a Bachelor of Science degree in Human Services, and is currently pursuing a Masters degree in Organizational Management. He is also bi-lingual and bi-literate. ***(Mr. Marcial's area of focus was security operations; he attended the assessments at Giddings State School, Corsicana Residential Treatment Center, Evins Regional Juvenile Center, McLennan County State Juvenile Correctional Facility - Unit I and II, Turman House, York House, Ayres House, Beto House, Tamayo House, Cottrell House, Willoughby House, and McFadden Ranch.)***

Anadora "Andie" Moss

Andie is President of The Moss Group, Inc., a Washington, DC-based criminal justice consulting firm. The Moss Group, Inc. consulting team consists of seasoned professionals with expertise in correctional operations, correctional research, male violence, medical and mental health expertise, training design and delivery, women offenders, and organizational and institutional culture. Ms. Moss has a long history of work on sensitive correctional management issues. As an assistant deputy commissioner in the Georgia Department of Corrections during the **Cason v. Seckinger** lawsuit in the early 90s, and as a Program Manager with the NIC from September 1995 - February 2002, Andie was involved in the development of early strategies to address staff sexual misconduct in the field of corrections.

In December of 2003 Andie's firm was awarded a multi-year cooperative agreement with National Institute of Corrections (NIC), part of the U.S. Justice Department, to assist the Institute in implementation of activities of the Prison Rape Elimination Act of 2003 (PREA). Activities under the NIC project have included the production of training videos, on-site consultation with correctional agencies, field research resulting in themes of staff perceptions of sexual assault in corrections facilities, regional workshops with executive leaders, professional presentations, and participation in NIC video conferences addressing PREA for both adult and juvenile settings. Andie has served as an expert to the National Prison Rape Review Panel and the National Prison Rape Commission.

For many years Andie has valued the importance of addressing staff offender sexual abuse by understanding the nature of the organizational culture of correctional settings in both the community and institutions in implementing and maintaining a systemic approach to the prevention of staff offender sexual misconduct. She now additionally is involved in the development of strategies addressing offender-on-offender, (youth-on-youth) sexual assault, which can occur in both facility and community corrections settings.

Andie has consulted onsite with over 60 correctional organizations, both community-based and institutional, nationally and continues to work with often sensitive areas of correctional management. She is published in professional periodicals and authored a chapter in a correctional administrator's textbook on staff sexual misconduct. Ms. Moss is active in professional organizations and is immediate past President of the Association of Women Executives in Corrections. Andie has received numerous honors for her work including the NIC Executive Director's Award. ***(Ms. Moss was the Project Director and managed and reviewed all aspects of protocol. She participated in assessments at Giddings State School, Evins Regional Juvenile Center, Ron Jackson State Juvenile Complex – Units I and II, Al Price State Juvenile Correctional Facility, Crockett State School, Turman House, Schaeffer House, and Beto House.)***

Barbara Owen

Barbara Owen is a nationally-known expert in the areas of girls, women and crime, women-centered policy and women's prison culture. A Professor of Criminology at California State University, Fresno, she received her Ph.D. in Sociology from UC Berkeley. A former research analyst with the federal Bureau of Prisons, Dr. Owen continues to conduct qualitative and policy research in women's prisons. The author of 20 articles and chapters, and numerous technical reports, her books include *In the Mix: Struggle and Survival in a Women's Prison* (SUNY Press, 1998).

Along with Barbara Bloom and Stephanie Covington, Dr. Owen has co-authored a major report, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* (2003). More recent projects include an analysis of women's recidivism, the development of the women offender strategic plan for the State of California, co-authoring the policy report "Unlocking America", an NIJ-sponsored four-state study that investigated the context of sexual assault in women's prisons and jails and ethnographic work for the US Census Bureau. She is currently developing research and policy on women's issues in an international and human rights context. ***(Dr. Owen's provided research, and was a special advisor in multiple areas including gender responsive services.)***

Carol Porter

Carol's extensive correctional career began during 1971 in Phoenix, Arizona, where she worked with female offenders in a newly built juvenile institution. She was instrumental in developing local procedures, offender programs, and contributed to new construction design. She later supervised a specialized caseload of adult female offenders as a probation officer in Maricopa County, Arizona.

Carol moved to Washington State in 1976 and began a 31 year career within the Washington State Correctional System. She continued work as a probation/parole officer and developed an expertise supervising convicted sex offenders. Carol became a Community Corrections Supervisor before returning to prison work as a Unit Supervisor in a male prison. She was appointed as the first Superintendent of Tacoma Pre Release Program in 1984. Carol was responsible for developing transition services for both male and female offenders assigned to this program. She was later promoted to the position of Deputy Director for the Division of Community Corrections.

Carol returned to institution work when she was appointed Superintendent of a male juvenile facility in 1989. She held this position for nine years before her return to the adult Department of Corrections as a Regional Administrator. In this capacity, Carol was responsible for executive oversight of prisons, pre-release, work release and community corrections within a geographic area. She was also responsible for the statewide substance abuse treatment and statewide work release standards/compliance. Carol held this administrative position until she returned to her passion, operational practices within an institutional setting. Carol is skilled in strategic planning, program development and systems accountability within the context of fiscal restraints.

Carol retired as Superintendent of the Washington Corrections Center for Women in 2007. She continues work with juvenile offenders on a part-time basis in Washington State. Additionally, Carol is a part-time consultant with The Moss Group, Inc of Washington DC.

Carol received her Bachelor of Science degree from Arizona State University. She received graduate studies through Northern Arizona University. Carol has received much state recognition throughout her

career, including the Washington State Governor's Management Award. ***(Ms. Porter's areas of focus were gender responsive services, security operations and management. She participated in assessments at Gainesville State School and Ron Jackson State Juvenile Complex – Units I and II.)***

Paula Schaefer

Paula is a consultant for the juvenile justice system in the United States and Canada providing technical assistance to state, county, provincial and private agencies to promote female responsive and restorative services for girls. Paula assists court services, residential and community based agencies with program assessment, program development and implementation in order to provide a meaningful and cost effective continuum of services for girls. She presents workshops nationally and has been a consultant for the Federal Office of Juvenile Justice & Delinquency Prevention and the National Institute of Corrections.

Paula is the former director of the Planning for Female Offender Unit, of the Minnesota Department of Corrections. Prior to this, Paula was the Program Coordinator for St. Croix Girls Camp, a 50 bed private correctional facility for court-ordered adolescent girls. Paula had worked as a practitioner with children, adolescents and families for many years in community and residential based services. She learns a great deal from girls and is inspired by their indomitable spirits and resiliency, this fuels her passion and advocacy work on their behalf. ***(Ms. Schaefer's areas of focus included gender responsive services (girls), programming and trauma informed services. She participated in the assessment at Ron Jackson State Juvenile Complex – Units I and II.)***

Jeffrey Shorba, JD

Jeff Shorba serves as Deputy State Court Administrator for the Minnesota State Court System. He oversees all daily operations of the state's trial courts, court of appeals and Supreme Court. He is responsible for supervising division directors in the areas of finance, information technology, human resources, legal services, court services, education and organizational development and facilities management. The state court system includes 3,500 employees and 300 judges working in ten judicial districts throughout Minnesota.

Prior to joining the judicial branch, Mr. Shorba served as Assistant Commissioner for Management Services and Legal Counsel at the Minnesota Department of Corrections. As Assistant Commissioner, Mr. Shorba reported to the Commissioner of Corrections and oversaw the departments of: policy and legal services, finance, information technology and human resources. In addition he supervised personnel coordinating agency religious services and diversity. He also served as legal advisor to the Minnesota Sentencing Guidelines Commission and Secretary to the Minnesota Pardons Board.

Prior to joining the Minnesota Department of Corrections, Mr. Shorba served for eight years as Associate General Counsel, U.S. Department of Justice, Federal Bureau of Prisons in Washington, D.C. Mr. Shorba was in charge of the Legislative and Correctional Issues Branch where he provided legal advice on policy development, legislative affairs and institution operational issues. He developed special expertise in the areas of religious services, sentence computation, emergency preparedness use of force, treatment programs, medical services, privatization and death penalty procedures.

From 1989-1991, Mr. Shorba was in private practice in Washington, D.C. at the law firm of Bell, Boyd & Lloyd where his practice focused on litigation and appellate work, primarily in the areas of employment discrimination, labor law and employee benefits. From 1988 to 1989, he served as law clerk to the Chief Justice of the Minnesota Supreme Court. Mr. Shorba is a 1988 cum laude graduate of Harvard Law School. He received his B.A. degree in Political Science, magna cum laude, from Carleton College.

Mr. Shorba has served as vice-chair of the American Correctional Association (ACA) Legal Issues Committee and co-chair of the American Bar Association (ABA) Corrections and Sentencing Committee. He has conducted training at numerous national conferences and seminars including those sponsored by the ACA, ABA, National Institute of Corrections, Federal Bar Association and the Federal Judicial Center. He has also served as an adjunct professor at the School of Public Affairs at the American University in Washington, D.C. ***(Mr. Shorba was an Advisor on the project and his focus included a full Policy Review, and the areas of the Office of Inspector General, Grievances, and Human Resources.)***

Tom Stickrath

Currently the Director of Public Safety in Ohio, Tom Stickrath began his career in corrections in 1978 as legal services assistant for the Ohio Department of Rehabilitation and Correction. He also served as the chief inspector, deputy warden at two different prisons, warden at the Orient Correctional Institution and Regional Director. In 1991 he was named Assistant Director of the Ohio Department of Youth Services. During his tenure as assistant director in 1991, and again in 1998, Mr. Stickrath served as Interim Director of the Governor's Office of Criminal Justice Services, an agency that provides leadership, research and support to Ohio's criminal justice system. For the past several years, he served at the pleasure of the Governor as the Director of the Ohio Department of Youth Services.

Mr. Stickrath also served as Acting Director of the Ohio Department of Public Safety in the fall of 2002. In 2005, he became the Director of the Ohio Department of Youth Services (DYS). Since his appointment, he has instituted an aggressive agenda of change and reform that touches all aspects of the Department. He also was able to achieve full accreditation for all DYS programs within its jurisdiction. This awarded DYS the American Correctional Association's (ACA) highest honor for commitment to excellence, the Eagle Award. DYS is the first juvenile correctional system in the nation to claim such an accomplishment.

Mr. Stickrath has served extensively as a consultant to the National Institute of Corrections, and in 1996, he was appointed to serve a four-year term on the ACA Standards Committee, helping to promulgate national standards for his profession. He has also been called upon by both the Governor of Arizona and the Governor of Texas to assist the respective states when there were challenges in their correctional systems. He has authored numerous articles and book chapters on a variety of correctional topics, and has lectured extensively throughout the country. Mr. Stickrath received a degree in Business Administration from The Ohio State University, and graduated from Ohio State's College of Law. ***(Mr. Stickrath was an Advisor and focused on policy review. He participated in assessments at Giddings State School, Turman House, and Gainesville State School).***

Shaina Vanek

Shaina Vanek is a Senior Associate with the Moss Group, Inc, bringing over thirteen years of program development and management experience. Having joined the Moss Group in 2009, her primary focus

has been on internal project management, evaluating office operations, project management, and the use of technology, as well as enhancing business strategies.

Over the past eight years while working at another firm, Ms. Vanek oversaw cooperative agreements for the Linking Culture and Performance project and the related Leading and Sustaining Change project – both of which were supported by the National Institute of Corrections. These projects are intended to (1) assist correctional facilities – prisons, jails, and juvenile facilities – in identifying the underlying causes for problems that seem resistant to traditional means of intervention in order to improve organizational performance and (2) provide tools to assist institutions in developing long-term strategies for culture change. She is a seasoned assessor, having engaged in all types of fieldwork and lead or participated in twenty-eight assessments of institutional culture across the country. Ms. Vanek has lead focus group meetings, conducting numerous one-on-one interviews with both institutional staff and inmates, and engaged in post-visit data analysis and report-writing.

Related to PREA, Ms. Vanek assisted with a two-year effort to identify innovative and effective programs and strategies to prevent, detect, investigate and respond to the consequences of prison sexual violence. The study, which was commissioned by the National Institute of Justice (NIJ), resulted in a final report, *Addressing Sexual Violence in Prisons: A National Portrait of Practices and Innovative Strategies in State Corrections Agencies*, identifies promising practices of forty-five state corrections agencies.

Since joining the Moss Group, Ms. Vanek has had extensive involvement in a number projects related to protecting the sexual safety of both inmates and juvenile offenders. She has experience managing PREA technical assistance delivery strategies in multiple jurisdictions. These efforts have included conducting needs assessments, developing staff training programs, conducting facility management assessments, working with consultants in coaching executive leaders, supporting staff teambuilding efforts, and coordinating organizational change efforts. Ms. Vanek has also provided project management for a number of short-term technical assistance efforts through the National Institute of Corrections, including a recent high-profile review of sexual abuse and staff misconduct in a Midwest state.

Ms. Vanek earned her Bachelor of Arts in the fields of sociology and psychology from the University of Vermont, and her Master of Science degree in Criminal Justice Counseling from Central Connecticut State University. She has also served as a Visiting Guest Lecturer in the psychology department at Trinity College in Hartford, Connecticut. ***(Ms. Vanek was the Project Coordinator and reviewed all aspects of protocol. She participated in assessments at Giddings State School, Corsicana Residential Treatment Center, Evins Regional Juvenile Center, McLennan County State Juvenile Correctional Facility - Unit I and II, Gainesville State School, Turman House, York House, Ayres House, Beto House, Tamayo House, Cottrell House, Willoughby House, and McFadden Ranch.)***

Appendix C: Select Recommended Resources

The following list of represents select resources that The Moss Group consultant team feels would be of assistance to the Texas Youth Commission as they continue to expand upon the evidence- and research-based initiatives related to sexual safety. Though there are many more articles and documents related to juvenile justice and development that would also be of interest, those listed below provide a foundation of materials to consider.

Selected Resources	
General	
1.	American Correctional Association (www.aca.org)
2.	Council of Juvenile Administrators (www.cjca.net) A summary of the Performance-based Standards program is available at: (http://cjca.net/initiatives/performance-based-standards-pbs) A summary of the Community-based Standards program is available at: (http://cjca.net/initiatives/community-based-standards-cbs)
3.	Bureau of Justice Statistics (www.ojp.usdoj.gov/bjs) Report on Sexual Violence: www.ojp.usdoj.gov/bjs/abstract/svrca04.htm
4.	Just Detention International (www.justdetention.org)
5.	The Moss Group (www.mossgroup.us) Under a cooperative agreement with the National Institute of Corrections, The Moss Group, Inc. also provides technical assistance and training. To request technical assistance from NIC, please contact: Dee Halley, <i>NIC Program Manager</i> 320 First Street NW, Room 5007 Washington, D.C. 20534 dhalley@bop.gov 1-800-995-6423 ex. 40374
6.	National Institute of Corrections (www.nicic.org)
7.	National Institute of Justice (www.ojp.usdoj.gov/nij)
8.	Office of Justice Programs (www.ojp.usdoj.gov)
9.	Office of Juvenile Justice and Delinquency Prevention (www.ojjdp.gov)
10.	Substance Abuse and Mental Health Services Administration (www.samhsa.gov)
11.	Washington College of Law Project on addressing Prison Rape (supported by NIC) (www.wcl.american.edu/nic)

Mental Health
<p>1. Adams, Erica J. <i>Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense</i>. Washington, DC: Justice Policy Institute, July 2010. Available at: www.justicepolicy.org/.../10-07_REP_HealingInvisibleWounds_JJ-PS.pdf</p>
<p>2. Asbridge, C. (2007). Sexual assault in juvenile corrections: A preventable tragedy. <i>Corrections Today</i>, October 2007. Available at: http://www.allbusiness.com/legal/criminal-law-juvenile-justice/8919284-1.html</p>
<p>3. Beck, A.J., Guerino, P., and Harrison, P.M. (2010, January). <i>Bureau of Justice Statistics Special Report: Sexual victimization in juvenile facilities reported by youth, 2008</i>. Available at: www.bjs.ojp.usdoj.gov/content/pub/pdf/svjfry09.pdf</p>
<p>4. Center for Children's Law and Policy. (2010, May). <i>Preventing the sexual abuse of youth in correctional settings</i>. Comments submitted in response to Docket No. OAG-131; AG Order No. 3143-2010. Washington, D.C.: Center for Children's Law and Policy. Available at: http://www.cclp.org/prea.php</p>
<p>5. Dumond, R.W. & Dumond, D.A. (2007). Correctional health care since the passage of PREA. <i>Corrections Today</i>, 69(5): 76-79, October 2007. Available at: www.robertdumond.com/oct2007article.pdf</p>
<p>6. English, K., Heil, P. & Dumond, R.W. (2010, June). <i>Sexual assault in jail and juvenile facilities: Promising practices for prevention and response – Final Report submitted to the National Institute of Justice</i>. Denver, CO: Colorado Division of Criminal Justice. Available at: http://dcj.state.co.us/ors/research_documents.htm</p>
<p>7. Jenness, V., Maxson, C. L., Matsuda, K.N., and Sumner, J. M. (2007, April). Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault. Available at: http://nicic.gov/Library/022362</p>
<p>8. Phil-Buckley, H. (2008). Tailoring the Prison Rape Elimination Act to a juvenile setting. <i>Corrections Today</i>. Available at: www.aca.org/publications/pdf/Phil-Buckley.pdf</p>
<p>9. United States Attorney General Review Panel on Prison Rape. (2010, October). <i>Report on sexual victimization in juvenile correctional facilities</i>. Washington, D.C.: U.S. Attorney General, Review Panel on Prison Rape. Available at: http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm</p>

Gender-Responsive Planning
<p>1. Moss, Andie. The Prison Rape Elimination Act: Implications for Women and Girls. 2007. Available at: http://www.mossgroup.us/userfiles/file/Resources-%20Women%20Offenders/PREA%20Implications%20for%20Women%20and%20Girls.pdf</p>
<p>2. United States. The Department of Justice/ National Institute of Justice. <i>Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities (Part I: Improving Security in Women's Facilities)</i>. Comp by Owens et.al. Washington, DC. November 2008. Available at: http://www.wcl.american.edu/nic/documents/GenderedViolenceandSafetyPart1_Barbowen.pdf?rd=1</p>
<p>3. United States. The Department of Justice/ National Institute of Justice. <i>Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities (Part II: Focus Group Methodology and Findings)</i>. Comp by Owens et al. Washington, DC. November 2008. Available at: http://www.wcl.american.edu/nic/documents/GenderedViolenceandSafetyPart2_Barbowen.pdf?rd=1</p>
<p>4. United States. The Department of Justice/ National Institute of Justice. <i>Gendered Violence and Safety: Measuring Gendered Violence and Safety (Part III: Research Design and Methods)</i>." Comp by Owens et al. Washington, DC. November 2008. Available at: http://www.wcl.american.edu/nic/documents/GenderedViolenceandSafetyPart2_Barbowen.pdf?rd=1</p>